



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

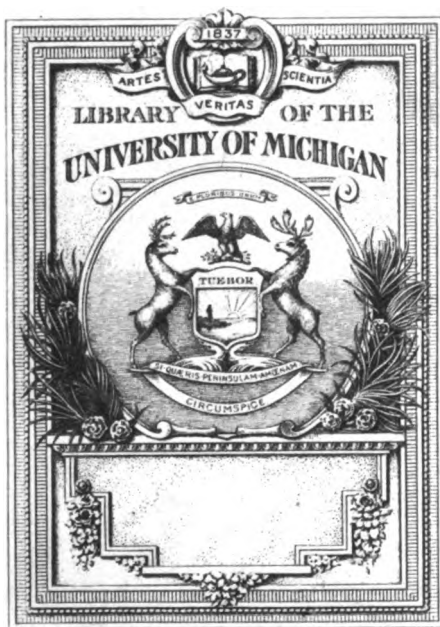
- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

**B** 50913 6 DUPL















Canada Parliament.

# SESSIONAL PAPERS.

VOLUME 17.

---

SECOND SESSION OF THE SIXTH PARLIAMENT

OF THE



DOMINION OF CANADA.

---

SESSION 1888.

---



---

VOLUME XXI.



Cont.  
Carswell  
7-29-25  
12/89

---

OTTAWA:  
Printed by A. SENECAI, Superintendent of Printing.  
1888.

---

See also Numerical List, page 4.

# ALPHABETICAL INDEX

TO THE

## SESSIONAL PAPERS

OF THE

### PARLIAMENT OF CANADA.

SECOND SESSION, SIXTH PARLIAMENT, 1888.

A	C
Adulteration of Food..... 16c	Chippawa Indians, Claim of..... 61
Agriculture, Annual Report..... 4	Civil Service List..... 18
Alberta, Leaseholders in..... 40f	Civil Service Promotions and Appointments..... 35
Antwerp International Exhibition for 1885... 12s	Civil Service Superannuations..... 33
Archives, Canadian..... 4s	Clancy, Patrick ..... 58p
Arichat Post Office..... 43a	Collingwood Marine and General Hospital... 47
Articles Duty Free from United States..... 53	Colonial Conference..... 76
Auditor General, Annual Report..... 2	Colonization Companies..... 40h
B	Colonization Inspectors..... 40c, 40d
Banks, Shareholders in..... 17	Consolidated Fund ..... 32
Baptisms, Marriages and Burials..... 74	Commission as to Rebellion losses ..... 40
Bedford, Caretaker..... 62s	Commissioner, Dominion Police..... 24
Board of Examiners, Civil Service, Report of..... 19	Commissioner, North-West Mounted Police. 28
Boisvert, Louis..... 26	Commissions to Public Officers..... 38
Bonds and Securities..... 37	Criminal Statistics..... 4b
Boot Island, N.S..... 34b	Culbertson, Archibald..... 64s
Breakwater at Bay Fortune..... 34c	D
Breakwater at L'Ardoise..... 34s	Derby Branch Railway... 58c, 58h, 58i, 58n, 58o, 58p
Breakwater at Pointe aux Pères..... 34	Detroit River Lands..... 64
British Canadian Loan and Investment Co.. 48	Disallowance of British Columbia Act..... 68
British Columbia Acts, Disallowance of..... 68	Disallowance of Manitoba Railway Acts..... 58b
British Vessels, Seizure of..... 65a, 65b, 65c	Dominion Land Agents..... 40i
Bryanton, Albert..... 58i	Dominion Notes, Printing of..... 60
Bryanton, Allan..... 58h	Dominion Police Force..... 24s
C	Dominion Police Commissioner..... 24
Canadian Pacific Railway :	Dominion Statutes..... 44
Lands sold..... 25	Dorchester Penitentiary..... 42
Correspondence between Interior Depart- ment and C. P. R..... 25s	Dredging of Pictou Harbor..... 69b
Supplementary Return..... 25b	Duffy, D. A., Contract with..... 42
Canal Statistics..... 16s	Dundas Post Office..... 41
Cape Traverse Mails..... 50	E
Captains in charge of Government Steamers. 55s	Eastern Extension Railway..... 58g
Cauchnawaga Indians..... 64d	Estimates, 1888-89..... 1
	Exchequer Court of Canada..... 46
	Expenditure and Receipts..... 32

E	
Experimental Farm in North-West.....	71
Experimental Farms, Annual Report.....	4d
Exports and Imports .....	45
F	
Fisheries, Annual Report.....	6
Fisheries Protection Service.....	6b
Fisheries Question :	
Fishery Treaty between Great Britain and the United States.....	36
Reciprocal Trade Relations between Can- ada and the United States.....	36a
Letters of Hon. T. B. Bayard and Sir C. Tupper.....	36b
Despatches and Documents.....	36c
Food, Adulteration of.....	16c
Free Articles from United States.....	53
G	
General Order, No. 83, Supreme Court.....	48a
Geological and Natural History Survey.....	39
Governor General's Office.....	78
Governor General's Warrants.....	22
Grazing Lands.....	40c
Great North-West Central Railway Co.....	58k
Grondines Lighthouse Keeper .....	26
Guimond, Louis.....	49, 49a
H	
Harvey, John, Contracts with .....	63
Homestead Inspectors.....	40c, 40d
Horton Landing, N.S.....	31b
House of Commons Chamber.....	70
I	
Indian Affairs, Annual Report.....	15
Inland Revenue, Annual Report.....	16
Insurance Companies, Abstract of State- ments of.....	9
Insurance, Report of Superintendent.....	9a
Intercolonial Railway :	
Rolling Stock.....	59
Capital Expenditure.....	59a
Inquest on William L. Duncan .....	59b
Fencing.....	59c
Correspondence with Noël Fortin.....	59d
Casualties to Trains.....	59e
Dismissal of Employés.....	59f
Interior, Annual Report.....	14
J	
Justice, Annual Report.....	11
K	
Kamloops.....	54
Knight, Allan.....	58c
Knight, John.....	58n

L	
Lachine Canal, Leasing of water-power.....	30
Lake Erie Lands.....	64
Lands sold by C. P. R.....	25
L'Ardoise Breakwater.....	34a
Leaseholders in Alberta.....	40f
Lefavre, Adolphe.....	31
Legislation in the North-West.....	40b
Lessees of Grazing Lands.....	40c
Library of Parliament, Annual Report.....	20
Liquor License Act.....	56
Lobster and Oyster Fisheries.....	6a
M	
Mails at Cape Traverse.....	50
Manitoba Railway Acts, Disallowance of....	58b
Manitoba, Railways in.....	68
Marine and Immigrant Hospital.....	29
Marine, Annual Report.....	5
Mattawa River Improvements.....	63
Medicines, Cost of, Infantry Schools.....	62a
Militia, Annual Report.....	10
Militia Clothing.....	62
Militia Pensions.....	62a
Miscellaneous Unforeseen Expenses .....	23
Mississauga Indians.....	64b
Montmagny Post Office.....	43
Montreal Harbor Commissioners.....	69a
Mortuary Statistics.....	4c
Moulin, Rev. Father .....	72
Mounted Police, Report of Commissioner....	28
Mc	
McDonald, George J.....	75
N	
North $\frac{1}{2}$ , Section 16, Township 24, N.W.T....	40g
"Northern Light," Steamer.....	55, 55a, 55b
North-West Central Railway Co.....	58m
North-West, Experimental Farm in.....	71
North-West Territories, Legislation in the..	40b
O	
Ottawa Nation Indians, Claim of.....	64
Ottawa River, Works on the.....	61, 61a
P	
Patents for Land.....	77
Penitentiary at Dorchester.....	42
Penitentiary, St. Vincent de Paul.....	31
Pictou Harbor, Dredging of....	69b
Pictou Public Buildings.....	43d
Pion & Co., A.....	58f
Pointe aux Pères Breakwater.....	34
Postmaster General, Annual Report.....	13
Post Office, Arichat.....	43a
Post Office, Dundas.....	41
Post Office, Montmagny.....	43
Printing of Dominion Notes.....	60
Protection of Submarine Cables.....	73



P		S	
Provincial Legislation.....	21	St. Jérôme de Matane.....	57
Public Accounts, Annual Report.....	1	St. Vincent de Paul Penitentiary.....	31
Public Printing and Stationery, Annual Report.....	12a	Statutes of Canada.....	44
Public Works, Annual Report.....	7	Steamboat Inspection.....	5a
Public Works; Tables of Distances, &c.....	7a	Stillis seized.....	27
Q		Straits of Northumberland.....	67
Quebec Harbor Commissioners.....	69	Strathroy Public Buildings.....	43b
R		Submarine Cables, Protection of.....	79
Railway Accidents.....	58	Subsidies to Railways.....	58a, 58j
Railway Statistics.....	8b	Subway between P.E.I. and N.B.....	67a
Railway Subsidies.....	58a, 58j	Superannuations, Civil Service.....	33
Railway Surveys in Cape Breton.....	58d	Supplementary Estimates.....	1
Railways and Canals, Annual Report.....	8	Supreme Court General Order No. 83.....	46a
Railways in Manitoba.....	66	Surveys in Cape Breton.....	58d
Rebellion Disbursements.....	40a	T	
Rebellion Losses, Commission as to.....	40	Tobacco seized.....	27
Receipts and Expenditure.....	32	Trade and Navigation, Annual Report.....	3
Registry of Trade Unions.....	52	Trade Unions, Registry of.....	52
Rescue of Wounded Priest.....	72	Trent Valley Canal.....	30a
Retired Judges.....	46b	Trotter, Charles N.....	26
Rideau River, Obstructions in.....	34d	U	
Royal Commission on Railways.....	8a	Unforeseen Expenses.....	23
Russell, Samuel.....	58c	V	
S		Ventilating House of Commons.....	70
Scott's Bay, N.S.....	34b	W	
Scrip Issued.....	77	Warrants, Governor General's.....	22
Secretary of State, Annual Report.....	12	Weights, Measures and Gas, Inspection of..	16b
Seizure of British Vessels.....	65a, 65b, 65c	Wharf at St. Jérôme de Matane.....	57
Shareholders in Banks.....	17	Wood, A. F.....	30b
Six Nation Indians.....	64c	Works on the Ottawa River.....	61, 61a
Souris and Rocky Mountain Railway Co. ...	58f	Wrecking Vessels.....	65
St. Charles Branch Railway.....	58e	Y	
St. Hyacinthe Public Buildings.....	43c	York-Simcoe Battalion.....	51

See also Alphabetical Index, page 1.

## LIST OF SESSIONAL PAPERS

*Arranged in Numerical Order, with their Titles at full length; the Dates when Ordered and when Presented to both Houses of Parliament; the Name of the Member who moved for each Sessional Paper, and whether it is Ordered to be Printed or Not Printed.*

### CONTENTS OF VOLUME No. 1.

1. Public Accounts of Canada, for the fiscal year ended 30th June, 1887. Presented to the House of Commons, 27th February, 1888, by Sir Charles Tupper. Estimates for the fiscal year ending 30th June, 1889; presented 1st March, 1888. Supplementary Estimates of Canada for the fiscal year ending 30th June, 1888; presented 23rd April, 1888. Supplementary Estimates of Canada for the fiscal year ending 30th June, 1889; presented 14th May, 1888—

*Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 2.

2. Report of the Auditor-General on Appropriation Accounts, for the year ended 30th June, 1887. Presented to the House of Commons, 27th February, 1888, by Sir Charles Tupper—

*Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 3.

3. Tables of the Trade and Navigation of the Dominion of Canada, for the fiscal year ended 30th June, 1887. Presented to the House of Commons, 27th February, 1888, by Hon. M. Bowell—

*Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 4.

4. Report of the Minister of Agriculture for the Dominion of Canada, for the calendar year 1887. Presented to the House of Commons, 27th March, 1888, by Hon. J. Carling—

*Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 5.

- 4a. Report on Canadian Archives, 1887.....*Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 6.

- 4b. Criminal Statistics for the year 1886, being an Appendix to the Report of the Minister of Agriculture for the year 1886. Presented to the House of Commons, 18th May, 1888, by Hon. J. Carling.....*Printed for both Distribution and Sessional Papers.*
- 4c. Abstracts of the Returns of Mortuary Statistics for the year 1887—

*Printed for both Distribution and Sessional Papers.*

- 4d. Experimental Farms. Reports of the Director, Entomologist and Botanist, Chemist, and Horticulturist, for 1887.....*Printed for both Distribution and Sessional Papers.*

---



---

### CONTENTS OF VOLUME No. 7.

5. Twentieth Annual Report of the Department of Marine, for the fiscal year ended 30th June, 1887. Presented to the House of Commons, 13th March, 1888, by Hon. G. E. Foster—  
*Printed for both Distribution and Sessional Papers.*
- 5a. Report of the Chairman of the Board of Steamboat Inspection, for calendar year ended 31st December, 1887.....*Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 8.

6. Annual Report of the Department of Fisheries, Dominion of Canada, for the year 1887—  
*Printed for both Distribution and Sessional Papers.*
- 6a. Report of the Commissioners appointed to enquire into and report upon the Lobster and Oyster Fisheries of Canada. Presented to the House of Commons, 16th March, 1888, by Hon. G. E. Foster.....*Printed for both Distribution and Sessional Papers.*
- 6b. Special Report of the Fisheries Protection Service of Canada, 1887—  
*Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 9.

7. Annual Report of the Minister of Public Works of Canada, for the fiscal year 1886-87 on the works under his control. Presented to the House of Commons, 27th February, 1888, by Sir Hector Langevin.....*Printed for both Distribution and Sessional Papers.*
- 7a. Tables showing the extent and progress of Public Works, Distances, &c., on the main routes of navigation; Railways, Telegraph Lines, &c. Inland Navigation of Canada, Ocean Rates thence to Foreign Countries, Canadian Land Routes to the seaboard. Government Railways and Telegraph Lines, &c., &c. Suez Canal and Panama Canal Routes—  
*Printed for both Distribution and Sessional Papers.*
8. Annual Report of the Minister of Railways and Canals, for the past fiscal year, from the 1st July, 1886, to the 30th June, 1887, on the works under his control. Presented to the House of Commons, 6th March, 1888, by Hon. J. H. Pope—  
*Printed for both Distribution and Sessional Papers.*
- 8a. Report of the Royal Commission on Railways, with Appendices, viz.: 1st. Report of Committee visiting United States. 2nd. Supplementary Report of same. 3rd. Extracts, Hadley, &c. Presented to the House of Commons, 29th February, 1888, by Hon. J. H. Pope—  
*Printed for both Distribution and Sessional Papers.*
- 8b. Reports, Railway Statistics of Canada, and Capital, Traffic and Working Expenditure of the Railways of the Dominion, 1887. Presented to the House of Commons, 17th May, 1888, by Sir Charles Tupper.....*Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 10.

9. Abstract of Statements of Insurance Companies in Canada for year ending 31st December, 1887. Presented to the House of Commons, 4th May, 1888, by Sir Charles Tupper—  
*Printed for both Distribution and Sessional Papers.*
- 9a. Report of the Superintendent of Insurance, for the year ended 31st December, 1887—  
*Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 11.

10. Annual Report of the Department of Militia and Defence of the Dominion of Canada, for the year ended 31st December, 1887. Presented to the House of Commons, 27th February, 1888, by Sir Adolphe Caron.....*Printed for both Distribution and Sessional Papers.*
11. Report of the Minister of Justice as to Penitentiaries in Canada, for the year ended 30th June, 1887. Presented to the House of Commons, 27th February, 1888, by Hon. J. S. D. Thompson—  
*Printed for both Distribution and Sessional Papers.*
12. Report of the Secretary of State of Canada, for the year ended 31st December, 1887. Presented to the House of Commons, 28th February, 1888, by Hon. J. A. Chapleau—  
*Printed for both Distribution and Sessional Papers.*



- 12a. Annual Report of the Department of Public Printing and Stationery for the Dominion of Canada, for year ending 30th June, 1887, with partial Report for services during six months ending 31st December, 1887. Presented to the House of Commons, 18th March, 1888, by Hon. J. A. Chapleau.....*Printed for both Distribution and Sessional Papers.*
- 12b. Report of the Board of Examiners for the Civil Service in Canada, for the year ended 31st December, 1887.....*Printed for both Distribution and Sessional Papers.*
- 12c. (1887.) Report of the Antwerp International Exhibition for 1886—  
*Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 12.

13. Annual Report of the Postmaster General for the year ended 30th June, 1887. Presented to the House of Commons, 28th February, 1888, by Hon. A. W. McLellan—  
*Printed for both Distribution and Sessional Papers.*
14. Annual Report of the Department of the Interior for the year ended 31st December, 1887. Presented to the House of Commons, 27th February, 1888, by Hon. Thos. White—  
*Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 13.

15. Annual Report of the Department of Indian Affairs for the year ended 31st December, 1887. Presented to the House of Commons, 1st March, 1888, by Hon. Thos. White—  
*Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 14.

16. Report, Returns and Statistics of the Inland Revenues of the Dominion of Canada, for the fiscal year ended 30th June, 1887. Presented to the House of Commons, 24th February, 1888, by Hon. J. Costigan ..... *Printed for both Distribution and Sessional Papers.*
- 16a. Canal Statistics for season of navigation, 1886, being Supplement No. 1 to the Inland Revenue Report, for the year ended 30th June, 1887—*Printed for both Distribution and Sessional Papers.*
- 16b. Fourteenth Report on Inspection of Weights, Measures and Gas, being Supplement No. 2 to the Report of the Department of Inland Revenue—  
*Printed for both Distribution and Sessional Papers.*
- 16c. Report on Adulteration of Food, being Supplement No. 3 to the Report of the Department of Inland Revenue ..... *Printed for both Distribution and Sessional Papers.*

### CONTENTS OF VOLUME No. 15.

17. List of Shareholders in the Chartered Banks of the Dominion of Canada, as on the 31st December, 1887. Presented to the House of Commons, 14th March, 1888, by the Hon. M. Bowell—  
*Printed for both Distribution and Sessional Papers.*
18. The Civil Service List of Canada, on the 1st July, 1887, pursuant to section 59 of "The Civil Service Act." Presented to the House of Commons, 15th March, 1888, by Hon. J. A. Chapleau—  
*Printed for both Distribution and Sessional Papers.*
19. Report of the Joint Librarians of Parliament on the state of the Library of Parliament. Presented to the House of Commons, 23rd February, 1888, by Hon. Mr. Speaker—  
*Printed for Sessional Papers only.*

### CONTENTS OF VOLUME No. 16.

21. Correspondence, Reports of the Minister of Justice, and Orders in Council upon the subject of Provincial Legislation, 1884 to 1887.....*Printed for both Distribution and Sessional Papers.*
22. Statement of Governor General's Warrants issued since last Session of Parliament, and Expenditure incurred on account of same, in accordance with the Consolidated Revenue and Audit Act, section 32, clause b. Presented to the House of Commons, 27th February, 1888, by Sir Charles Tupper.....*Not printed.*

23. Statement of Expenditure on account of Miscellaneous Unforeseen Expenses for the fiscal year 1887-88. Presented to the House of Commons, 27th February, 1888, by Sir Charles Tupper—  
*Not printed.*
24. Report of the Commissioner, Dominion Police, under Revised Statutes of Canada, chapter 184, section 5. Presented to the House of Commons, 27th February, 1888, by Hon. J. S. D. Thompson.....*Not printed.*
- 24a. Return of the average number of men employed on the Dominion Police Force during each month of the year 1887, and of their pay and travelling expenses (under Revised Statutes of Canada, chapter 184, section 5). Presented to the Senate, 27th February, 1888, by Hon. Mr. Abbott.....*Not printed.*
25. Return to an Order of the House of Commons, dated 6th May, 1887, for a Return of lands sold by the Canadian Pacific Railway Company up to 1st April, 1887, in the North-West Territories; when sold, and to whom. Presented to the House of Commons, 28th February, 1888.—*Mr. Perley (Assiniboia).....Not printed.*
- 25a. Return (in part) under Resolution of the House of Commons, passed on the 20th February, 1882, on all subjects affecting the Canadian Pacific Railway, respecting details as to: 1. The selection of the route. 2. The progress of the work. 3. The selection or reservation of land. 4. The payment of moneys. 5. The laying out of branches. 6. The progress thereon. 7. The rates of tolls for passengers and freight. 8. The particulars required by the Consolidated Railway Act and amendments thereto, up to the end of the previous fiscal year. 9. Like particulars up to the latest practicable date before the presentation of the Return. 10. Copies of all Orders in Council and of all correspondence between the Government and the railway company, or any member or officer of either, relating to the affairs of the company. Presented to the House of Commons, 8th March, 1888, by Hon. Thos. White.....*Printed for Sessional Papers only.*
- 25b. Supplementary Return under Resolution of the House of Commons, passed on the 20th February, 1882, on all subjects affecting the Canadian Pacific Railway, respecting details as to: 1. The selection of the route. 2. The progress of the work. 3. The selection or reservation of land. 4. The payment of moneys. 5. The laying out of branches. 6. The progress thereon. 7. The rates of tolls for passengers and freight. 8. The particulars required by the Consolidated Railway Act and amendments thereto, up to the end of the previous fiscal year. 9. Like particulars up to the latest practicable date before the presentation of the Return. 10. Copies of all Orders in Council and of all correspondence between the Government and the railway company, or any member or officer of either, relating to the affairs of the company. Presented to the House of Commons, 19th March, 1888, by Hon. Thos. White—  
*Printed for Sessional Papers only.*
26. Return to an Address of the House of Commons to His Excellency the Governor General, dated 6th June, 1887, for copies of the Order in Council appointing Louis Boisvert lighthouse keeper at Grondines, in the place of E. Trottier; and copies of all correspondence recommending Charles N. Trottier for this position. Presented to the House of Commons, 28th February, 1888.—*Mr. De St. Georges.....Not printed.*
27. Return to an Order of the House of Commons, dated 27th April, 1887, for a statement setting forth the number of stills seized by the Department of Inland Revenue for the years 1878, '79, '80, '81, '82, '83, '84, '85 and '86, respectively, and the first three months of the year 1887; the names of the persons on whose premises the stills were seized; the names of the informers and the sums paid to each; also statement of the cost of effecting such seizures, and the receipts accruing from all sales of such stills. Also Return to an Order of the House of Commons, dated 27th April, 1887, for a statement showing all seizures effected in Canada for illegal sale of tobacco for each year since 1878 up to 1st March, 1887, inclusive; the names of the persons on whose premises the seizures were made, the amounts realized on such seizures by sale or otherwise, and the expense of making the seizures. Presented to the House of Commons, 28th February, 1888.—*Mr. Rinfret.....Not printed.*

## CONTENTS OF VOLUME No. 17.

28. Report of the Commissioner of the North-West Mounted Police Force, 1887. Presented to the House of Commons, 3rd April, 1888, by Sir John A. Macdonald.

*Printed for both Distribution and Sessional Papers.*

29. Return to an Order of the House of Commons, dated 6th June, 1887, for a Return giving the following details of the expenditure connected with the support of the Marine and Immigrant Hospital in the city of Quebec, during the term of years from the date of Confederation to June 30th, 1886, and showing: 1. The aggregate amount voted by Parliament for the maintenance of this hospital during the said term of years. 2. The amount actually expended. 3. The number of persons, other than sick mariners, who received hospital care there during the said term. 4. The aggregate number of days of hospital treatment accorded to them. 5. The number of sick mariners who received hospital care during the same term. 6. The number of days of hospital treatment accorded to them. 7. The average cost per patient per diem of both classes of patients during said term. 8. The price per patient per diem paid to the Montreal General Hospital for the care of sick seamen during the same years—1887-1886. 9. The aggregate amount that has been charged during the said term of years to the fund for the relief of sick and distressed mariners, as for expenditure in connection with this Quebec Hospital, by virtue of the Act 31 Victoria, chapter 64, section 12 (now 40 Victoria, chapter 76, section 16). Presented to the House of Commons, 29th February, 1888.—*Mr. Hickey* ..... *Not printed.*
30. Report of the Royal Commission on the Leasing of Water Power, Lachine Canal. Presented to the House of Commons, 2nd March, 1888, by Hon. J. H. Pope.....*Not printed.*
- 30a. Return to an Address of the House of Commons, to His Excellency the Governor General, dated 5th March, 1888, for a Return of copies of all correspondence between the Government of Canada and the commissioners appointed by the Government to take evidence and acquire information relative to the Trent Valley Canal, and the further progress thereof; of copies of all instructions authorizing the commissioners to act in the premises, and defining their powers and authority and mode of procedure; and of a copy of any and all reports of the engineer or engineers in charge of the works of said canal, made to the Government since the last session of this Parliament. Presented to the House of Commons, 13th April, 1888.—*Mr. Barron*..... *Not printed.*
- 30b. Return to an Address of the Senate, to His Excellency the Governor General, dated 22nd March, 1888, for a detailed statement of all moneys paid to A. F. Wood, Esq., of Madoc, for services and expenses in connection with his office as valuator or otherwise in connection with the Trent Valley Canal, from the date of his appointment down to the 1st January, 1888. Also a detailed statement of all moneys paid him for services and expenses in connection with his services on the Murray Canal, from 1st December, 1883, to 1st January, 1888, in order to complete the full return of moneys paid him for services in connection with the return asked for at last session. Presented to the Senate, 18th April, 1888.—*Hon. Mr. Flint*..... *Not printed.*
31. Return to an Address of the Senate, to His Excellency the Governor General, dated 17th June, 1887, for copies of all complaints which have been made by the authorities of the St. Vincent de Paul Penitentiary, since the 24th April, 1886, against Adolphe Lefalvre, formerly an employé of the penitentiary; as also of all reports which the Inspector may have made since the same date against the said Lefalvre, together with copies of the decisions which the Honorable the Minister of Justice may have given upon these reports and complaints. Presented to the Senate, 29th February, 1888.—*Hon. Mr. Bellerose* ..... *Not printed.*
32. Return to an Order of the House of Commons, dated 29th February, 1888, for a Statement of the Receipts and Expenditure, in detail, chargeable to the Consolidated Fund, from the 1st day of July, 1887, to the 1st day of March, 1888, and from the 1st day of July, 1886, to the 1st day of March, 1887. Presented to the House of Commons, 5th March, 1888.—*Sir Richard Cartwright*.—*Not printed.*
33. Statement of all superannuations and retiring allowances in the Civil Service, giving the name and rank of each person superannuated, or retired, his salary, age and length of service, his allowance and cause of retirement, and whether the vacancy has been filled by promotion or new appointment, &c., for the year ended 31st December, 1887. Presented to the House of Commons, 5th March, 1888, by Sir Charles Tupper..... *Printed for Sessional Papers only.*
34. Return to an Order of the House of Commons, dated 6th June, 1887, for copies of petitions presented from time to time and supported by the several transatlantic steamship companies and other persons, praying for the building of a breakwater at Pointe aux Pères. Presented to the House of Commons, 6th March, 1888.—*Mr. Fiset*..... *Not printed.*
- 34a. Return to an Order of the House of Commons, dated 6th June, 1887, for copies of all surveys, reports and correspondence in connection with the L'Ardoise Breakwater, in the county of Richmond, N.S. Presented to the House of Commons, 13th March, 1888.—*Mr. Flynn*—*Not printed.*

- 34b. Return to an Order of the House of Commons, dated 6th June, 1887, for copies of all correspondence and telegrams, since 31st December last, relating to the construction or repair of breakwaters or piers at Scott's Bay, Horton Landing and Boot Island, in King's County, Nova Scotia; and also of all instructions to an engineer of the Department of Public Works, who visited said localities during the months of January and February last, with his reports thereon. Presented to the House of Commons, 4th April, 1888.—*Mr. Borden* ..... *Not printed.*
- 34c. Return to an Order of the House of Commons, dated 9th April, 1888, for copy of report of the Chief Engineer on the breakwater at Bay Fortune, King's County, Prince Edward Island, with a view to its extension; together with copies of all petitions, letters, &c., in relation thereto. Presented to the House of Commons, 30th April, 1888.—*Mr. McIntyre*..... *Not printed.*
- 34d. Return to an Address of the House of Commons to His Excellency the Governor General, dated 6th June, 1887, for copies of all Orders in Council, or other documents, granting a power to construct any bridge, dam, breakwater, or other obstructions in the Rideau River, from its mouth to its source. Presented to the House of Commons, 14th May, 1888.—*Mr. Robillard*—*Not printed.*
35. Return of the names and salaries of all persons appointed to or promoted in the Civil Service during the year 1887, specifying the office to which each has been appointed or promoted. Section 53, sub-section 2, "Civil Service Act." Presented to the House of Commons, 6th March, 1888, by Hon. J. A. Chapleau.....*Printed for Sessional Papers only.*
36. Copy of the Fishery Treaty between Great Britain and the United States, in relation to the fisheries of Canada and Newfoundland, signed at Washington on the fifteenth day of February, 1888; and the protocols of the various conferences, together with the protocols from the British plenipotentiaries offering to make a temporary arrangement for a period not exceeding two years in order to afford a *modus vivendi* pending the ratification of the treaty, and the protocol of the American plenipotentiaries expressing their satisfaction with the *modus vivendi* communicated by the British plenipotentiaries. Presented to the House of Commons, 7th March, 1888, by Sir Charles Tupper.....*Printed for Sessional Papers only.*
- 36a. Copy of the statement presented by the British plenipotentiaries to the Fisheries Commission at Washington, in relation to reciprocal trade relations between Canada and the United States, and the answer of the American plenipotentiaries thereto. Presented to the House of Commons, 7th March, 1888, by Sir Charles Tupper.....*Printed for Sessional Papers only.*
- 36b. Two communications in relation to the Fisheries Question—one, written "personally and unofficially," by the Hon. T. B. Bayard, Secretary of State, Washington, U.S., and dated the 31st May, 1887, and addressed to Sir Charles Tupper; and the other, the reply of Sir Charles to Mr. Bayard, also marked "personal and unofficial," and dated the 6th June, 1887. Presented to the House of Commons, 9th March, 1888, by Sir Charles Tupper—*Printed for both Distribution and Sessional Papers.*
- 36c. Despatches and Documents having reference to the Fisheries Question. Presented to the House of Commons, 12th April, 1888, by Hon. G. E. Foster—*Printed for both Distribution and Sessional Papers.*
37. Detailed statement of all Bonds and Securities registered in the Department of the Secretary of State of Canada, submitted to the Parliament of Canada under section 23, chapter 19, of the "Revised Statutes of Canada." Presented to the House of Commons, 7th March, 1888, by Hon. J. A. Chapleau.....*Not printed.*
38. List of Public Officers to whom Commissions have issued during the year 1887, under the provisions of chapter 19 of the "Revised Statutes of Canada," and submitted to the Parliament of Canada under section 2 of the said Act. Presented to the House of Commons, 7th March, 1888, by Hon. J. A. Chapleau.....*Not printed.*
39. Annual Report (new series) of the Geological and Natural History Survey of Canada, Volume II, 1886. Presented to the House of Commons, 23rd March, 1888, by Hon. Thos. White—*Printed for Distribution only.*
40. Return to an Address of the House of Commons, to His Excellency the Governor General, dated 5th March, 1888, for copy of all reports of the commissioners appointed by Royal Commission to enquire into the losses sustained in the North-West Territories during the recent rebellion, and a statement of all payments made under the recommendation of such reports. Presented to the House of Commons, 8th March, 1888.—*Hon. Mr. Laurier*.....*Not printed.*

- 40c. Return to an Order of the House of Commons, dated 28th March, 1888, for a Return showing the total amount of money disbursed by the Government in consequence of the North-West Rebellion. Presented to the House of Commons, 25th April, 1888.—*Mr. Mulock*.....*Not printed.*
- 40d. Memorial of the Lieutenant-Governor of the North-West Territories in Council, to His Excellency the Governor General in Council, praying for the introduction of a new method of legislation in the North-West Territories. Presented to the House of Commons, 7th May, 1888, by Sir John A. Macdonald.....*Not printed.*
- 40e. Return to an Order of the House of Commons, dated 5th March, 1888, for a Return showing the names and residences of each homestead inspector in Manitoba and the North-West; the number of inspections and reports made by each, in each month of the years 1882 '83, '84, '85, '86 and '87. 2. The name of each colonization inspector, his residence, the number of inspections and reports made by each, in each month of the years 1882, '83, '84, '85, '86 and '87, and copies of said reports. Presented to the House of Commons, 19th May, 1888.—*Mr. Watson*—*Not printed.*
- 40f. Return to an Order of the House of Commons, dated 16th April, 1888, for a Return giving the names and dates of the appointment of each colonization inspector and homestead inspector in the North-West Territories, including Manitoba; the salary paid to each, also the travelling expenses per diem or month; the full amount for salary and travelling or other expenses paid to each from the date of his engagement up to the 1st of January, 1888. Presented to the House of Commons, 19th May, 1888.—*Mr. McMullen*.....*Not printed.*
- 40g. Return to an Order of the House of Commons, dated 16th April, 1888, for a Return of all lessees of grazing lands under old form of leases. 2. The number of these who have fully complied with the terms of the leases. 3. The number who have partially complied, showing to what extent. 4. The number in arrears for rent, showing to what extent. 5. The number of old leases now entirely unoccupied. Presented to the House of Commons, 19th May, 1888.—*Mr. Davis*.....*Not printed.*
- 40h. Return to an Order of the House of Commons, dated 28th March, 1888, for a Return giving: 1. The names of all leaseholders in the district of Alberta, North-West Territories. The number of cattle each have on their lease. The date of each latest return, showing the number. 2. Showing whether any are in arrears for rent. 3. Whether the land under lease is good agricultural land. 4. What, if any, return has been made of the loss and suffering of cattle during the winter of 1886-87 in this district. Presented to the House of Commons, 19th May, 1888.—*Sir Richard Cartwright*.....*Not printed.*
- 40i. Return to an Order of the House of Commons, dated 9th April, 1888, for a Return containing copies of all letters, correspondence, affidavits, &c., connected with the location and sale or settlement of N. ½, section 16, township 24, range 29, west, 4th meridian, North-West Territory. Presented to the House of Commons, 19th May, 1888.—*Mr. McMullen*.....*Not printed.*
- 40j. Return to an Order of the House of Commons, dated 28th March, 1888, for a Return showing the number of Colonization Companies now in existence in Manitoba and the North-West, the number of settlers they have put on their lands during the years 1885-86-87, the amount of money paid by the several companies on account of lands purchased from the Crown during the same period, the amount of money paid to the Crown on account of purchase of land from the Crown by all other parties during the same years. Presented to the House of Commons, 19th May, 1888.—*Mr. McMullen*.....*Printed for Sessional Papers only.*
- 40k. Return to an Order of the House of Commons, dated 1st March, 1888, to issue to the proper officer for a return giving copy of instructions to Dominion Land Agents in Manitoba and the North-West, regarding instructions furnished to intending settlers free of charge, and a copy of instructions as to information for which a fee is imposed; the amount of fees received at the several offices during the years 1885-86 and 1887, for such information; the amount of all fees collected from intending settlers during those years, and for which no credit was given in their purchase of Dominion lands. Presented to the House of Commons, 19th May, 1888.—*Mr. McMullen*.....*Not printed.*
41. Return to an Order of the House of Commons, dated 25th April, 1887, for a Return of a copy of the lease from R. T. Wilson to the Dominion Government of the new public offices for the town of Dundas, in the county of Wentworth; report of the Post Office Inspector respecting the present and new post offices; also copies of petitions, correspondence and all other papers relating to the removal of the post office. Presented to the House of Commons, 8th March, 1888.—*Mr. Bain (Wentworth)*.....*Not printed.*

42. Return to an Order of the House of Commons, dated 6th June, 1887, for a copy of the contract with D. A. Duffy for the erection of the new wing of the penitentiary at Dorchester; also any claims or applications made for extras, and also any recommendations for allowance of such claims or any of them, and also all correspondence between the contractor and the Department of Public Works. Presented to the House of Commons, 8th March, 1888.—*Mr. Weldon (St. John)*—*Not printed.*
43. Return to an Order of the House of Commons, dated 27th April, 1887, for copies of all papers, documents, correspondence, &c., in relation to the building of a post office in the town of Montmagny, in the county of Montmagny. Presented to the House of Commons, 8th March, 1888.—*Mr. Chiquette*..... *Not printed.*
- 43a. Return to an Order of the House of Commons, dated 6th June, 1887, for copies of all correspondence in connection with the purchase of a site for the erection of a post office and custom house in the town of Arichat. Presented to the House of Commons, 8th March, 1888.—*Mr. Flynn*—*Not printed.*
- 43b. Return to an Order of the House of Commons, dated 28th March, 1888, for a Return of all reports, correspondence, petitions or documents relating to the proposed permanent building of a post office and custom house at Strathroy, including any recommendations made respecting its location, character, cost, &c. Presented to the House of Commons, 20th April, 1888.—*Mr. McMullen*..... *Not printed.*
- 43c. Return to an Order of the House of Commons, dated 9th April, 1888, for copies of all letters, memoranda, and other documents, respecting the building of the public edifices at the city of St. Hyacinthe—such as the post office and the customs warehouse, &c. Presented to the House of Commons, 1st May, 1888.—*Mr. Dupont*..... *Not printed.*
- 43d. Return to an Order of the House of Commons, dated 16th April, 1888, for a Return of all correspondence and petitions respecting the construction of building for post office, customs office and inland revenue office in the town of Picton. Presented to the House of Commons, 8th May, 1888.—*Mr. Platt*..... *Not printed.*
44. Return of statement of Dominion Statutes of Canada sold and officially distributed during the last two years, in terms of section 14 of chapter 2 of the Revised Statutes of Canada. Presented to the House of Commons, 13th March, 1888, by Hon. J. A. Chapleau..... *Not printed.*
45. Return to an Order of the House of Commons, dated 29th February, 1888, for a Return in the form used in the statements usually published in the *Gazette*, of the exports and imports from the 1st day of July, 1887, to the 1st day of March, 1888, distinguishing the products of Canada and those of other countries. Presented to the House of Commons, 14th March, 1888.—*Sir Richard Cartwright*..... *Not printed.*
46. Return of new rules and procedure of "the Exchequer Court of Canada," in terms of sections 55 and 56 of chapter 16—50-51 Victoria. Presented to the House of Commons, 19th March, 1888, by Hon. J. A. Chapleau..... *Not printed.*
- 46a. Return in terms of section 109 of the Supreme and Exchequer Court Act, Revised Statutes of Canada, chapter 135, with reference to General Order No. 83 which has been made by the Judges of the Supreme Court of Canada during the past year. Presented to the House of Commons, 4th April, 1888, by Hon. J. A. Chapleau..... *Not printed.*
- 46b. Return to an Order of the House of Commons, dated 2nd March, 1888, for a Return showing the names of all retired judges of superior courts of law or equity in the Dominion of Canada, with the dates of their respective patents, and a copy of the last patent issued to a retired judge of the Superior Court. Presented to the House of Commons, 9th April, 1888.—*Mr. Small*... .. *Not printed.*
47. Return of the Collingwood Marine and General Hospital, for the year 1887. Presented to the House of Commons, 19th May, 1888, by Hon. Mr. Speaker..... *Not printed.*
48. Statement of the affairs of the British Canadian Loan and Investment Company, on 31st December, 1886. Presented to the House of Commons, 19th May, 1888, by Hon. Mr. Speaker—*Not printed.*
49. Return to an Address of the Senate to His Excellency the Governor General, dated 1st March, 1888, praying for a copy of letters signed Jos. H. Bellerose, addressed to the Minister of Justice on the 27th and 28th November, 1887, with the replies thereto in connection with the destruction by fire of the property of Mr. Louis Guimond, of St. Vincent de Paul; also a copy of the

- evidence taken in this matter and of the report made by the Inspector of Penitentiaries after inquiry made and the facts mentioned in the said letters. Presented to the Senate, 21st March, 1888.—*Hon. Mr. Bellerose*.....*Not printed.*
- 49a. Return to an Address of the Senate to His Excellency the Governor General, dated 18th April, 1888, for copy of a letter of the 31st March last from the Honorable Joseph Bellerose, *in re* the burning of Mr. Louis Guimond's property at St. Vincent de Paul; also copy of a letter of James Devlin, Engineer, on the same subject; also copy of the different solemn declarations accompanying the above mentioned letters, and all other documents in correspondence relating to the same subject. Presented to the Senate, 21st May, 1888.—*Hon. Mr. Bellerose*.....*Not printed.*
50. Return to an Order of the House of Commons, dated 2nd May, 1887, for a Return showing the names of all the parties who tendered for carrying the mails to and from the board ice at Cape Traverse, Prince Edward Island; the amount of each tender, and to whom contract given. Presented to the House of Commons, 21st March, 1888.—*Mr. Perry*.....*Not printed.*
51. Return to an Address of the House of Commons to His Excellency the Governor General, dated 5th March, 1888, for a Return showing copies of all applications, letters or other communications to the Government, or any department or minister, or any reports, in connection with the application on behalf of the York-Simcoe Battalion for kit allowance whilst on service in the North-West Territories, and of replies thereto. Presented to the House of Commons, 21st March, 1888.—*Mr. Mulock* .....*Not printed.*
52. Return to an Address of the House of Commons, to His Excellency the Governor General, dated 1st March, 1888, for copies of regulations made by the Governor in Council respecting the registry of trade unions. Presented to the House of Commons, 28th March, 1888.—*Mr. Amyot*—*Not printed.*
53. Copies of despatches from Sir L. West to Lord Lansdowne; and from Sir L. West to Lord Salisbury; and also a certified copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, relative to the admission of certain articles free of duty when it appears to the satisfaction of the Governor in Council that similar articles from Canada may be imported into the United States free of duty. Presented to the House of Commons, 6th April, 1888, by Sir Charles Tupper.....*Printed for Sessional Papers only.*
54. Return to an Order of the House of Commons, dated 28th March, 1888, for a copy of Mr. Parmelee's report to the Honorable Minister of Customs regarding the desirability of making Kamloops an outport of entry. Presented to the House of Commons, 9th April, 1888.—*Mr. Mara*.....*Not printed.*
55. Return to an Order of the House of Commons, dated 2nd March, 1888, for a Return showing the date the steamer *Northern Light* commenced running between Prince Edward Island and Pictou, Nova Scotia; the number of trips made; the number of passengers crossed, and the date of last trip made up to date. Presented to the House of Commons, 10th April, 1888.—*Mr. Perry*—*Not printed.*
- 55a. Return to an Order of the House of Commons, dated 29th February, 1888, for a Return showing the names and salaries of all captains in charge of Government steamers, together with the salaries and allowances at present payable to and received by them, together with all petitions, correspondence, telegrams, &c, relative to the pay of the captain of the *Northern Light*, since 1st January, 1879; also for a Return showing the names and number of men employed in or about the *Northern Light* during last summer, from the time she ceased running in the spring of 1887, until she again resumed in the autumn of the same year. Presented to the House of Commons, 10th April, 1888.—*Mr. Welsh*.....*Not printed.*
- 55b. Supplementary Return to an Order of the House of Commons, dated 29th February, 1888, for a Return giving the names and number of men employed in or about the *Northern Light* during last summer, from the time she ceased running in the spring of 1887, until she again resumed in the autumn of same year. Presented to the House of Commons, 9th May, 1888.—*Mr. Welsh*.—*Not printed.*
56. Return to an Order of the House of Commons, dated 28th March, 1888, for a Return showing the total amount of money paid out by the Government in connection with the Liquor License Act. Presented to the House of Commons, 10th April, 1888.—*Mr. Mulock* ..... *Not printed.*
57. Return to an Order of the House of Commons, dated 6th June, 1887, for a statement showing the amount of the sums expended since 1867, for repairs and improvements on the wharf at St. Jérôme de Matane. Presented to the House of Commons, 10th April, 1888.—*Mr. Fiset*..... *Not printed.*

55. Return to an Order of the House of Commons, dated 2nd March, 1888, for a Return of the railway accidents which were reported to the Government during 1886, and in respect of which actions are not now pending. Presented to the House of Commons, 12th April, 1888.—*Mr. Denison.*—*Not printed.*
- 55a. Return to an Order of the House of Commons, dated 8th March, 1888, for a Return showing the amount voted each session since 1880 for subsidies to railways, also the amount to each province, and the amount that has been paid. Presented to the House of Commons, 13th April, 1888.—*Mr. Semple.*.....*Not printed.*
- 55b. Return to an Address of the House of Commons, to His Excellency the Governor General, dated 9th April, 1888, for copies of all correspondence exchanged with the Imperial Government concerning the disallowance of the Railways Acts of Manitoba. Presented to the House of Commons, 17th April, 1888.—*Mr. Laurier.*.....*Printed for both Distribution and Sessional Papers.*
- 55c. Return to an Order of the House of Commons, dated 16th April, 1888, for copies of all correspondence, reports, &c., between Mr. Allan Knight and the Government; also the Railway Department and any of its officers, in relation to damages sustained by him in connection with the Derby Branch Railway, in the county of Northumberland, New Brunswick. Presented to the House of Commons, 2nd May, 1888.—*Mr. Jones (Halifax).*.....*Not printed.*
- 55d. Return to an Address of the House of Commons, to His Excellency the Governor General, dated 6th June, 1887, for copies of railway surveys from the Strait of Canso to Sydney *via* Grand Narrows, and from the Strait of Canso to Louisbourg *via* St. Peter's, during the summer of 1885, with the estimated cost of both lines. Also copies of surveys from Grand Narrows *via* Boisdale to North Sydney and Sydney. Also copies of surveys between East Bay and St. Peter's; copies of reports and surveys between Sydney and Loch Lomond *via* the Mira and Salmon River Valley, in the year 1886; copies of all telegrams to the Department of Railways during the time of the surveys. Also a copy of Minute of Council adopting the Grand Narrows route *via* Boisdale to North and South Sydney, with the engineer's report on the crossing of the Grand Narrows. Also a copy of all statements and arguments laid before the Government against the Grand Narrows route by the Cape Breton delegation in January last; and also a statement showing the particular route advocated by the said delegation. Presented to the House of Commons, 4th May, 1888.—*Mr. Flynn and Mr. McDougall (Cape Breton).*.....*Not printed.*
- 55e. Return to an Order of the House of Commons, dated 6th June, 1887, for copies of all claims presented to the Department of Railways for lands expropriated for the construction of the St. Charles Branch Railway in the county of Lévis; also a statement showing the amount of each claim, the names of those whose claims have been settled up to 1st April, 1887, and the amount awarded to them, and the names of those whose claims are still pending. Presented to the House of Commons, 11th May, 1888.—*Mr. Guay.*.....*Not printed.*
- 55f. Return to an Order of the House of Commons, dated 30th April, 1888, for copies of all correspondence between the Department of Railways and Messrs. A. Pion & Co., of Quebec, in relation to a claim for goods damaged on the Intercolonial Railway. Presented to the House of Commons, 11th May, 1888.—*Mr. Langelier (Quebec Centre).*.....*Not printed.*
- 55g. Return to an Order of the House of Commons, dated 18th April, 1888, for copies of correspondence between the Government, or any member thereof, and the municipal councils of the counties of Picton, Antigonish and Guysboro', Nova Scotia, and any other persons; together with copies of resolutions passed by the said municipal councils relative to the repayment by the Government of moneys paid by the said municipal councils for the right of way for the Eastern Extension Railway, now owned by and in possession of the Government. Presented to the House of Commons, 15th May, 1888.—*Mr. Kirk.*.....*Not printed.*
- 55h. Return to an Order of the House of Commons, dated 16th April, 1888, for copies of all papers, writings and reports between Mr. Allan Bryanton and the Government of Canada, or anyone on his behalf, or between the officers of the Government and him or anyone on his behalf, or between the Government and their officers, in relation to the placing of a platform and switch near his place on the line of the Derby Branch Railway, in the county of Northumberland, N.B. Presented to the House of Commons, 15th May, 1888.—*Mr. Jones (Halifax).*.....*Not printed.*
- 55i. Return to an Order of the House of Commons, dated 16th April, 1888, for all correspondence between Mr. Albert Bryanton and the Railway Department and any of its officers, and anyone on his behalf; also all reports and instructions between said Department and its officers in reference to the placing of a switch and platform at said Bryanton's, on the Derby Branch Railway, in the



- county of Northumberland, New Brunswick. Presented to the House of Commons, 15th May, 1888.—*Mr. Jones (Halifax)*.....*Not printed.*
- 52j. Papers, correspondence, &c., respecting subsidies to certain railway companies, and towards the construction of certain railways as follow: Quebec Central Railway; Quebec and Lake St. John Railway; Pontiac and Pacific Junction Railway; Montreal and Champlain Junction Railway; Port Arthur, Duluth and Western Railway; and Témiscouata Railway Company. Presented to the House of Commons, 18th May, 1888, by Sir Charles Tupper ..... *Not printed.*
- 52k. Return (in part) to an Order of the House of Commons, dated 9th April, 1888, for copies of all papers, documents, telegrams and correspondence as to the incorporation of the Great North-West Central Railway Company, or relating to any land grant thereto, or to the construction of the line of the said railway or any part thereof. Presented to the House of Commons, 19th May, 1888.—*Mr. Edgar*..... *Not printed.*
- 53l. Return (in part) to an Order of the House of Commons, dated 9th April, 1888, for copies of all papers, documents, telegrams and correspondence in connection with the land grant to the Souris and Rocky Mountain Railway Company, or relating to the construction of said railway. Presented to the House of Commons, 19th May, 1888.—*Mr. Edgar*..... *Not printed.*
- 53m. Return (in part) to an Order of the House of Commons, dated 9th April, 1888, for copies of all papers, documents, telegrams and correspondence in connection with the land grant to the North-West Central Railway Company, or relating to the construction of the said railway. Presented to the House of Commons, 19th May, 1888.—*Mr. Edgar*..... *Not printed.*
- 53n. Return to an Order of the House of Commons, dated 16th April, 1888, for copies of all correspondence, reports, &c., between Mr. John Knight and the Government; also with the Railway Department and any of its officers, in relation to damages sustained by him in connection with the Derby Branch Railway, in the county of Northumberland, New Brunswick. Presented to the House of Commons, 22nd May, 1888.—*Mr. Jones (Halifax)*..... *Not printed.*
- 53o. Return to an Order of the House of Commons, dated 16th April, 1888, for all correspondence between Mr. Samuel Russell and the Government of the Dominion, or of any of its officers, with all communications and reports from such officer or officers, in reference to a claim for damages to his property in connection with the Derby Branch Railway, in the county of Northumberland, N.B. Presented to the House of Commons, 22nd May, 1888.—*Mr. Jones (Halifax)*... *Not printed.*
- 53p. Return to an Order of the House of Commons, dated 16th April, 1888, for copies of all correspondence, reports, &c., between Mr. Patrick Clancy and the Government or any of its officers; also with the Railway Department and any of its officers, in relation to damages sustained by him in connection with the Derby Branch Railway, in the county of Northumberland, New Brunswick. Presented to the House of Commons, 22nd May, 1888.—*Mr. Jones (Halifax)*.....*Not printed.*
53. Return to an Order of the House of Commons, dated 2nd March, 1888, for a Return showing the quantity of rolling stock purchased for the Intercolonial Railway during the last six months ending 31st December, 1887, giving each kind of rolling stock, and whether purchased under contract or otherwise, the parties from whom bought and the cost of each kind; also a statement of what has been built in Government workshops. Presented to the House of Commons, 13th April, 1888.—*Mr. Weldon (St. John)* ..... *Not printed.*
- 53a. Return to an Order of the House of Commons, dated 8th March, 1888, for a Return giving details of the expenditure on the Intercolonial Railway charged to capital account for the years 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887. Presented to the House of Commons, 13th April, 1888.—*Mr. Jones (Halifax)*.....*Not printed.*
- 53b. Return to an Order of the House of Commons, dated 28th March, 1888, for a Return of the proceedings of the inquest held at Ste. Flavie, on 23rd September, 1887, on the body of William L. Duncan, killed on the Intercolonial Railway on the previous day, with the evidence taken at such inquest; also any report of any investigation of the accident made by the railway authorities, or any report in connection with such accident made to the Department of Railways and Canals; and also any correspondence had with said Department relating to this matter. Presented to the House of Commons, 18th April, 1888.—*Mr. Weldon (St. John)*.....*Not printed.*
- 53c. Return to an Order of the House of Commons, dated 16th April, 1888, for copies of all tenders received by the Government, in February last, for fencing the Eastern Extension Railway in Nova Scotia, and the Intercolonial Railway, from Picton Landing to Windsor Junction; and also a statement showing the names of the party or parties to whom contracts have been awarded, if any have been awarded, and length of fence each has contracted for and amount to be paid for work. Presented to the House of Commons, 27th April, 1888.—*Mr. Kirk*.....*Not printed.*

- 59d. Return to an Order of the House of Commons, dated 18th April, 1888, for copies of all correspondence between J. C. Pottinger, Esq., Superintendent Intercolonial Railway, and Mr. Noël Fortin, of the parish of St. Fabien, respecting accident and damages caused to the latter. Presented to the House of Commons, 30th April, 1888.—*Mr. Fiast*..... *Not printed.*
- 59e. Return to an Order of the House of Commons, dated 2nd March, 1888, for a Return of all casualties to trains on the Intercolonial Railway arising from collisions, broken rails or any other cause from 1st April, 1887, to 1st March, 1888; the respective causes and dates; the names of the conductors, engine-drivers or other officials dismissed, suspended or fined for any such collisions or neglect of duty, the amount of damage (if any) to property in such cases, the amount of compensation paid to owners of property destroyed or damaged, as well as amount of claims for loss or damage to property unsettled (if any). Presented to the House of Commons, 27th April, 1888.—*Mr. Weldon (St. John)* ..... *Not printed.*
- 59f. Return to an Address of the House of Commons, to His Excellency the Governor General, dated 20th April, 1887, for copies of all papers, documents, correspondence, &c., respecting the dismissal of Odias Corbonneau, Eudore Gaumont and Fidèle Pelletier, all three employed on the Intercolonial Railway; the first as telegraph operator at the Chaudière, county of Lévis, the second as section man at St. Thomas, county of Montmagny, and the third as station master at Cap St. Ignace, county of Montmagny. Presented to the House of Commons, 11th May, 1888.—*Mr. Choquette*..... *Not printed.*
60. Return to an Order of the House of Commons, dated 9th April, 1888, for a copy of the contract which now exists between the Government and the contractors for the printing of Dominion Notes, and copies of all correspondence relating to the awarding thereof. Presented to the House of Commons, 16th April, 1888.—*Mr. Edgar*..... *Not printed.*
61. Return to an Address of the Senate, to His Excellency the Governor General, dated 4th April, 1888, for a statement showing total cost of construction of various works for the descent of timber and sawlogs on the Ottawa River and its tributaries, up to the 30th June last; also statement showing the yearly expenditure for the maintenance of the said works for five years preceding the 30th June last, under the different heads of reconstruction, repairs and cost of management, at each of the stations, with the names of river or tributary where the same was expended; likewise copies of any or all applications, whether from individuals or chartered companies, to acquire by purchase or otherwise all or any portion of said works and improvements on the said Ottawa River and tributaries thereof. Presented to the Senate, 18th April, 1888.—*Hon. Mr. Clemow*.—*Not printed.*
- 61a. Return to an Order of the House of Commons, dated 16th April, 1888, for a statement showing total cost of construction of various works for the descent of timber and saw-logs on the Ottawa River and its tributaries, up to the 30th June last; also statement showing the yearly expenditure for the maintenance of the said works for five years preceding the 30th June last, under the different heads of reconstruction, repairs and cost of management, at each of the stations, with the names of river or tributary where the same was expended; likewise copies of any or all applications, whether from individuals or chartered companies, to acquire by purchase or otherwise all or any portion of said works and improvements on the said Ottawa River and tributaries thereof. Presented to the House of Commons, 26th April, 1888.—*Mr. Amyot*..... *Not printed.*
62. Return to an Order of the House of Commons, dated 16th April, 1888, for a Return of all Tenders for Militia Clothing since the 1st of January, 1883, showing the name of each firm or party tendering, the amount of each tender, and the name of the person or firm to whom the contract or contracts were awarded. Presented to the House of Commons, 17th May, 1888.—*Mr. Mc Mullen*.—*Not printed.*
- 62a. Papers relating to the pensions to Gunner Ryan, Montreal Garrison Artillery, and Sergeant Valiquette, 65th Battalion; the salary of Caretaker Bedford, Rifle Range, Quebec; cost of medicines, Infantry Schools at Fredericton, N.B., St. John's, Quebec, and Toronto, Ontario, in 1886-87; and pensions granted to representatives of Capt. F. T. Brown and Lieut. Charles Swinford. Also statement of militia pensions payable on account of rebellion, North-West Territories, 1885, with copies of regulations regarding the issue of active service pensions. Presented to the House of Commons, 17th May, 1888, by Sir Adolphe Caron ..... *Not printed.*
63. Return to an Order of the House of Commons, dated 6th June, 1887, for copies of all contracts entered into between the Government and John Harvey for the construction of slides and other improvements on the Mattawa River; also copies of all advertisements asking for tenders for such

- work, copies of such tenders, and all other papers, letters and correspondence between the Government and Harvey relating to such contracts and works. Presented to the House of Commons, 25th April, 1888.—*Mr. Lister*.....*Not printed.*
64. Return to an Order of the House of Commons, dated 28th March, 1888, for a Return of all correspondence, petitions and reports respecting the Chippawa and Ottawa Nation Indians' claim to certain lands in Lake Erie and the Detroit River. Presented to the House of Commons, 25th April, 1888.—*Mr. Patterson (Essex)*.....*Not printed.*
- 64a. Return to an Address of the House of Commons, to His Excellency the Governor General, dated 25th April, 1888, for a Return of copies of all correspondence, charges, papers and orders touching or relating to the dismissal of Archibald Oulbertson from the office of Indian Councillor of the Mohawk Band. Presented to the House of Commons, 7th May, 1887.—*Mr. Burdett*.—*Not printed.*
- 64b. Return to an Order of the House of Commons, dated 16th April, 1888, for copy of all correspondence between the Government and any person or persons relating to the claim of the Mississauga Indians, under the various treaties in reference to unsurrendered lands, together with any reports and plans in connection therewith. Presented to the House of Commons, 8th May, 1888.—*Mr. Madill*.....*Not printed.*
- 64c. Return to an Address of the House of Commons to His Excellency the Governor General, dated 9th April, 1888, for copies of all correspondence between the Governments of the Dominion and Ontario, in reference to a claim of the Six Nation Indians for compensation for lands flooded by the construction of a dam across the Grand River, at Dunnville, by the Welland Canal Company, in or about the year 1833; also all Orders in Council and all Departmental Reports bearing upon such claim or the payment thereof. Presented to the House of Commons, 8th May, 1888.—*Mr. Somerville*.....*Not printed.*
- 64d. Return to an Order of the House of Commons, dated 18th April, 1888, for copies of all letters, telegrams and petitions forwarded by Indians of the Caughnawaga Reserve to the Minister of the Interior, asking for an election of chiefs, in accordance with the provisions of the Indian Act; also of all correspondence on the subject between the said Indians, the Minister of the Interior, and the Agent of the Reserve. Presented to the House of Commons, 9th May, 1888.—*Mr. Doyon*.....*Not printed.*
65. Return to an Address of the House of Commons to His Excellency the Governor General, dated 9th April, 1888, for copies of all papers, correspondence, Orders in Council and Departmental Orders not already brought down with reference to: 1. The refusal of the United States authorities to allow Canadian wrecking vessels and machinery to assist Canadian vessels while in distress in United States waters. 2. The refusal of the Canadian authorities to allow United States wrecking vessels and machinery to assist United States vessels while in distress in Canadian waters. Presented to the House of Commons, 26th April, 1888.—*Mr. Edgar*.—*Printed for both Distribution and Sessional Papers.*
- 65a. Correspondence relating to the seizure of British vessels in Behring's Sea. Presented to the House of Commons, 26th April, 1888, by Hon. G. E. Foster.—*Printed for both Distribution and Sessional Papers.*
- 65b. Further correspondence relating to the seizure of British vessels in Behring's Sea. Presented to the House of Commons, 27th April, 1888, by Hon. G. E. Foster.—*Printed for both Distribution and Sessional Papers.*
- 65c. Additional correspondence relating to the seizure of British vessels in Behring's Sea. Presented to the House of Commons, 18th May, 1888, by Hon. G. E. Foster.—*Printed for both Distribution and Sessional Papers.*
66. Certified copy of a Report of a Committee of the Privy Council, on the subject of railways in Manitoba, the North-West Territories and British Columbia; together with the report of the Minister of Railways and Canals on the subject, including a copy of a proposed agreement and schedule. Presented to the House of Commons, 30th April, 1888, by Sir Charles Tupper.—*Not printed.*
67. Return to an Order of the House of Commons, dated 6th June, 1887, for copies of all surveys, reports and correspondence in connection with the survey of the Straits of Northumberland with the view of building a subway across the Straits. Also the names of engineers employed, with detailed account of expenses incurred in said survey during the year 1886. Presented to the House of Commons, 4th May, 1888.—*Mr. Perry*.....*Printed for Sessional Papers only.*

- 67a. Return to an Address of the Senate to His Excellency the Governor General, dated 27th March, 1888, for a copy of the plans and reports of the last survey concerning the proposed subway between Cape Traverse, Prince Edward Island, and Cape Tormentine, New Brunswick. Presented to the Senate, 18th April, 1888.—*Hon. Mr. Howland*.....*Printed for Sessional Papers only.*
68. Certified copies of Reports of Committees of the Honorable the Privy Council and other papers, relative to the disallowance of certain Acts passed by the Legislature of the Province of British Columbia. Presented to the House of Commons, 4th May, 1888, by Sir Hector Langevin—  
*Printed for both Distribution and Sessional Papers.*
69. Report of the Quebec Harbor Commissioners, for the year 1887. Presented to the House of Commons, 7th May, 1888, by Sir Charles Tupper.....*Not printed.*
- 69a. Report of the Montreal Harbor Commissioners, for the year 1887. Presented to the House of Commons, 7th May, 1888, by Sir Charles Tupper.....*Not printed.*
- 69b. Return to an Order of the House of Commons, dated 16th April, 1888, for a Return of all correspondence, petitions, reports of engineers, and others, respecting the dredging of Picton Harbor, Bay of Quinté, not already brought down. Presented to the House of Commons, 14th May, 1888.—*Mr. Platt*.....*Not printed.*
70. Return to an Order of the House of Commons, dated 6th June, 1887, for copies of all papers and correspondence relating to any proposed change in the mode of ventilating the House of Commons Chamber. Presented to the House of Commons, 9th May, 1888.—*Mr. Charlton*—  
*Not printed.*
71. Return to an Order of the House of Commons, dated 28th March, 1888, for a Return of the report made by Professor Saunders on the question of location of the Experimental Farm in the North-West, with all letters, documents and papers referring to the several proposed locations and his recommendations in connection therewith. Presented to the House of Commons, 11th May, 1888.—*Mr. McMullen*.....*Not printed.*
72. Return to an Order of the House of Commons, dated 16th April, 1888, for a copy of all correspondence, reports and recommendations having reference to the claim of Captain George H. Young, of Winnipeg, that he and Stretchermen Bailey and King, of the 90th Battalion, rescued the wounded Priest, Rev. Father Moulin, at Batoche, on the 11th May, 1885; and that the said rescue was not effected by Doctor Gravely, of Cornwall, as stated in the report of the Surgeon General of Militia as presented to Parliament in May, 1886. Presented to the House of Commons, 14th May, 1888.—*Mr. Daly*.....*Not printed.*
73. A certified copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on 23rd July, 1887, on a Memorandum dated 19th July, 1887, from the Minister of Public Works, concurring in the recommendation contained in the annexed report of the Superintendent of Government Telegraphy, and recommending that the necessary steps be taken to enable the Dominion to enter into the convention for the protection of submarine cables. Presented to the Senate, 6th April, 1888, by Hon. Mr. Abbott.....*Not printed.*
74. General statements and returns of baptisms, marriages and burials in the districts of Arthabaska, Chicoutimi, Gaspé, Iberville, Joliette, Montmagny and Saguenay, for the year 1887. Presented to the House of Commons, 19th May, 1888, by Hon. Mr. Speaker.....*Not printed.*
75. Return to an Order of the House of Commons, dated 16th April, 1888, for copies of all papers concerning the application of George J. McDonald, in connection with the Centennial Exhibition of 1878. Presented to the House of Commons, 21st May, 1888.—*Mr. Landerkin*—  
*Not printed.*
76. Return to an Address of the Senate to His Excellency the Governor General, dated 27th March, 1888, praying that His Excellency will be pleased to cause to be laid before this House, a copy of the proceedings of the Colonial Conference at London, in 1887, so far as they relate to Imperial postal and telegraphic communications through Canada, together with any correspondence between the Imperial authorities and the Dominion Government or any of its Departments on that subject since the date of the Conference. Presented to the Senate, 18th May, 1888.—*Hon. Mr. Dickey*.....*Printed for both Distribution and Sessional Papers.*

- 
77. Return to an Address of the Senate to His Excellency the Governor General, dated 5th May, 1888, for copies of all applications for patents and a list of all patents issued, together with a list of persons who received such patents in: Township 8, ranges 1 and 2, east; township 8, ranges 1 and 2, west; township 9, range 1, east; township 9, ranges 1 and 2, west; township 10, ranges 1 and 2, east; township 10, ranges 1 and 2, west. Also sections 11 and 29 in township 10, range 2, west, and in all other lands comprised in the Goulet Rivière Salé survey. Also for copies of all applications for scrip, a list of scrip issued, and a schedule of the names of all persons receiving such scrip issued upon such applications for, in connection with, or in lieu of said lands. Presented to the Senate, 21st May, 1888 —*Hon. Mr. Schultz.....Not printed*
78. Return to an Address of the Senate to His Excellency the Governor General, dated 10th April, 1888, showing the amount it has cost Canada to maintain the Governor General's office from Confederation to the first of January, 1888, for salaries, residence, travelling and all other incidental expenses, so made as to show the amount charged to each and every of them respectively. Presented to the Senate, 22nd May, 1888.—*Hon. Mr. O'Donohoe.....Not printed.*
-

REPORT  
OF THE  
COMMISSIONER  
OF THE  
NORTH-WEST MOUNTED POLICE FORCE  
18 87.

---

Printed by Order of Parliament.

---



OTTAWA  
PRINTED BY MACLEAN, ROGER & CO., WELLINGTON STREET,  
1888.



## TABLE OF CONTENTS.

	Page.
Commissioner's Report.....	7

### APPENDICES TO THE ABOVE.

A.	Report of Assistant Commissioner Herchmer.....		18
B.	do Superintendent Cotton .....		25
C.	do do McIlree.....		32
D.	do do Deane.....		39
E.	do do Neale .....		45
F.	do do Steele.....		52
G.	do do Perry .....		72
H.	do do Griesbach .....		79
I.	do do Macdonell .....		83
J.	do do Jarvis .....		87
K.	do do Inspector Wattam.....		91
L.	Distribution state of men and horses.....		96
M.	Report of Senior Surgeon Jukes .....		98
N.	do Assistant Surgeon Baldwin and Sick Report .....		105
O.	do do Ayleen do .....		108
P.	do do Dodd do .....		112
Q.	do do Paré do .....		114
R.	do do Powell do .....		120
S.	do Acting Surgeon Bain do .....		123
T.	do do Tulloch do .....		125
U.	do Veterinary Surgeon Burnett.....		126
	Recapitulation of cases disposed of in the North-West Territories.....		129
	Return of Criminal and other cases tried during the year.....		130
	Map, in separate cover, showing Patrols of North-West Mounted Police during the year.		





*To His Excellency the Most Honourable the Marquess of Lansdowne, Governor  
General of Canada, &c., &c.*

**MAY IT PLEASE YOUR EXCELLENCY:—**

The undersigned has the honour to lay before Your Excellency the Annual  
Report of the Commissioner of the North-West Mounted Police Force.

Respectfully submitted,

**JOHN A. MACDONALD,**

*President of the Privy Council.*

**January 31st, 1888.**



# ANNUAL REPORT OF THE COMMISSIONER, NORTH-WEST MOUNTED POLICE, 1887.

NORTH-WEST MOUNTED POLICE,  
OFFICE OF THE COMMISSIONER,  
REGINA, 31st December 1887.

The Right Honorable,  
Sir JOHN A. MACDONALD, G.C.B.,  
President of the Privy Council,  
Ottawa.

SIR,—I have the honour to forward herewith my annual report for the past year, together with the annual reports of the following officers for the same period :—

The Assistant Commissioner,  
Superintendent, J. Cotton,  
do J. H. McIlree,  
do R. B. Deane,  
do P. R. Neale,  
do S. B. Steele,  
do A. B. Perry,  
do A. H. Griesbach,  
do A. R. Macdonell,  
do E. W. Jarvis,  
Inspector, T. Wattam.  
Senior Surgeon Jukes,  
Assistant Surgeon, Baldwin,  
do Ayleen,  
do Paré,  
do Powell,  
do Dodd,  
Acting Assistant Surgeon, Bain,  
do do Tulloch,  
Assistant Veterinary Surgeon, Burnett.

## PATROLS.

The system of patrols established last year has been continued on a more extended scale with most satisfactory results, very few cases of horse stealing having occurred where the offenders were not brought to justice. Very early in the spring before it was practicable to start the regular patrols, some horses were stolen from Medicine Hat, and it was thought they had been taken across the boundary line, but they were ultimately found on the Blood Reserve. Two Blood Indians, "The Dog" and "Big Rib" were arrested on the reserve by a party under Inspector Sanders, were tried, convicted and sentenced to five years in the Penitentiary by Mr. Justice Macleod, but unfortunately escaped from the custody of the Sheriff while awaiting the train at Dunmore. As both are well known to the Police they are certain, sooner or later to be captured.

During the year numbers of horses have been reported stolen, but have nearly always been accounted for, many having only strayed off a few miles, and where no trace of them could be found it has always been on account of the delay in notifying the Police. Frequently descriptions of horses stolen on the other side of the line have been sent to us, the few that have turned up on this side being seized and returned to their owners, in fact the speedy justice that is invariably meted out to

parties bringing stolen horses into Canada has rendered our territories so dangerous to this kind of criminals that they find it safer to get rid of their stolen horses in United States Territory.

A good many deserters from the American Army have come over with their horses and arms, which have been taken from them and returned to the U. S. Authorities, who declined to prosecute the thieves, thinking they were well rid of them.

Log buildings with stables and corrals have been built at convenient places along the frontier, particularly along the base of the Cypress Hills; these afford shelter to our men in bad weather, and enable our patrols to go out earlier and stay later in the season than they otherwise could, and if allowed the necessary small amount of money, I propose next season to build at convenient situations all along the frontier, the labor being done by the Police, and by putting up hay at these posts, a great saving of horse flesh will result.

A new element in our patrols this season has been introduced in the engagement of some full-blooded Indians as scouts who are attached to the patrols and so far have done very good service, being invaluable as trailers, and able and willing to travel excessive distances in an almost incredible space of time. I would recommend to your favourable consideration the increasing the number of these scouts, as their employment will not only greatly assist the Police in patrol duty, but will tend to strengthen the good understanding between the Indians and Police. On several occasions this summer these scouts arrested members of their own tribes, and when they get more accustomed to the life, will be still more efficient. Their tendency at present is to serve a short time and then return home, which is not always convenient. Their pay is \$25 per month and rations, and they horse themselves, the Police furnishing arms and saddles.

All the main trails in the Territories have been watched by police patrols, and at convenient places along them, parties have been stationed during the year. The outposts along the line of the Canadian Pacific Railway have been increased, and it has been found necessary now that the Manitoba and North Western Railway has entered the Territories, to establish a post at Langenburg on that road. This party patrols Fort Pelly and the York Colony districts, which are remote from headquarters of police divisions.

The railway service has now assumed such proportions, that I propose with your consent to establish a division of railway police, selected from our ablest and steadiest men, whose special duty it will be to perform all police duties along the lines of railway.

The unfortunate murders that were committed in the vicinity of Qu'Appelle early in the spring kept a large number of our men employed for a considerable time patrolling the country along the Qu'Appelle and Upper Assiniboine Rivers, but owing to the rough nature of the country, and the intimate knowledge of it shewn by the Halfbreeds concerned in the murder of Hector McLeish, our endeavours only resulted in their being obliged to leave their hiding places, and seek refuge in the United States, where descriptions having been sent, they were promptly arrested by the authorities, and, after the usual formalities, turned over to a detachment of police, and conveyed to Regina where they now await trial. The murderers of McLean have not yet been identified, but it is generally supposed that the same men murdered both McLean and McLeish, both murders occurring at almost the same time.

One Poole, a settler living north of Whitewood was also found murdered and tied to a tree about the same time, but several days elapsed before he was discovered, and although a detective was employed, no clue has as yet been found to assist in identifying the assassins. Smith who kept a stopping house on the edge of the Salt Plain, north of Touchwood, was also murdered, and his body found in the bushes, several days after his death. Suspicion pointed strongly to an Indian of that vicinity who had worked for some time for deceased, and he was arrested by Sergeant Macpherson, and the expenditure of a considerable sum of money, above the amount an Indian would be likely to possess in summer, was against him, but he made a statement that he received the money from a squaw of bad character who might have

possessed that amount, and who having gone to the States, we were unable to secure as a witness, he was therefore released later on for want of evidence.

Considerable discredit was endeavored to be attached to the police for the failure to arrest in these cases, but the enormous tract of country, the sparse settlement, the time that elapsed before the victims were found, and the facility with which the murderers could travel for several days without being seen by a human being, are sufficient reasons for our bad luck.

It was found necessary on several occasions during the past year to employ special trains for the rapid transit of police, rendered advisable by the alarming rumours in circulation and the consequent uneasiness of the settlers.

I enclose a map which correctly shows the country patrolled by the police during the past year. (Map will be distributed in a separate cover).

#### INDIANS.

The conduct of the Indians throughout the Territories during the past year has been remarkably good, those in the North and East having generally stayed at home and worked their farms with the most gratifying results.

At Regina a large quantity of hay has been supplied the Police under contract by the Indians in the vicinity, the quality being first class, and the requirements of the contract carried out most satisfactorily.

Early in the Spring the Bloods caused a good deal of trouble. A number of their young men, tired of the reserve, and anxious to distinguish themselves, made a dash on Medicine Hat and vicinity and on U. S. Territory, stealing a number of horses. During the summer too we had occasional trouble with them. Occasionally cattle have been killed in the neighbourhood of their reserves, but the arrest, speedy trial and punishment of "Good Rider," a Blood, stopped this practice.

The recovery of a large band of horses stolen from them by U. S. Indians, has had a most beneficial effect, and rendered them much quieter, and lately we have had no trouble with them.

The Piegans and Sarcees have given no trouble, and with the exception of a few cases of breaking into houses in the vicinity of their reserves, one of which resulted in the shooting of an Indian by a settler named Thompson, who was tried and acquitted, and another case which resulted in the "Deerfoot" escape, there have been no difficulties with the Blackfeet.

The rapid settlement of the country in the vicinity of these tribes, and the system of allowing the Indians off their reserves, practically when they please, together with their being permitted to carry arms (mostly of repeating pattern) is liable sooner or later to result in serious trouble, involving not only the cattle business in the West, but the settlers.

There is no game requiring rifles to shoot, and if it is impossible to prevent Indians owning repeating rifles, I would suggest that they be compelled to leave them on their reserves.

The Police have been frequently blamed for not displaying their old firmness and dash when dealing with criminal Indians, but it must be remembered in the old days the Indians could only retaliate on the Police themselves, and on a few traders, quite able and only too ready to take care of themselves. Now-a-days the people are scattered all over the country, and rashness on the part of the Police might at any time result in the murder and insult of settlers and their families. There is no deficiency of pluck in the Force I have the honour to command, and when necessary and advisable, I have no doubt the same dash will be found as formerly.

The scarcity of rabbits throughout the whole Territories, which will now exist for about three years, and the great decrease in the number of deer, will be hard on those Indians who do not receive regular rations, it will however be certain to make them the more anxious to work on their farms, and as they have generally had good crops, and have taken many prizes at the shows this Fall, I have no doubt that next year great progress will be made.

## ASSISTANCE TO THE INDIAN DEPARTMENT.

Escorts have been furnished to the Indian Department for attendance at Treaty payments, in many instances the money having been carried by our men, and on several occasions escorts have been provided to convey Indians who had left their reserves, back to them. Late in the fall the U.S. authorities notified us that they were about to drive some of our Indians across the line, and acting on instructions from the Indian Department, parties were sent down to take charge of them and distribute them at their reserves, but the U.S. Troops only took them to the vicinity of the line, and turned them loose, very few crossing the line and falling into our hands. Those that did were escorted to their reserves as directed.

## LIQUOR LAWS.

The enforcement of the North-West prohibitory law is more difficult than ever, the sympathy of many of the settlers being generally against us in this matter. Large quantities of liquor have been seized and spilt, but a great deal more illicit liquor has undoubtedly been used under the cloak of the permit system. Liquor is run into the country in every conceivable manner, in barrels of sugar, salt, and as ginger ale, and even in neatly constructed imitation eggs, and respectable people, who otherwise are honest, will resort to every device to evade the liquor laws, and when caught they have generally the quantity covered by their permits, it is really curious the extraordinary length of time some holders of permits can keep their liquor.

The permit system should be done away with in the first place if the law is to be enforced, and the law itself should be cleared of the technicalities that have enabled so many to escape punishment this last year.

The importation and manufacture of a good article of lager beer, under stringent Inland Revenue regulations, would, in my opinion greatly assist the satisfactory settlement of this vexed question. Nearly all the opprobrium that has been cast upon the Police generally, and my management in particular, can be directly traced to public sentiment on the attempt to enforce this law.

Although it has been stated by parties interested in free liquor, that great facilities for drunkenness occur, I can say that there has been no crime of any consequence during the year in this country attributable to whisky, and that the towns and villages throughout the Territories are as quiet and orderly and free from outrages as any place of the same size in the world, which is saying a great deal when it is taken into consideration that we have the usual amount of unsettled population common to all new and frontier countries.

## ASSISTANCE TO RAILWAY COMPANIES.

During the year we have not been called upon by the Canadian Pacific Railway for any unusual assistance, but every endeavour has been made to protect the company as far as possible by suppressing the sale of intoxicants along the line.

It being found necessary to discharge a large number of miners at Lethbridge, the North-West Coal and Navigation Company called upon us for assistance, and prompt action being taken, the necessary changes were made without any loss to property, and both at Lethbridge and Anthracite coal mines every assistance has been given to the proprietors in enforcing law and order.

Detachments of police have been constantly on duty at all the important points on these roads in the Territories, but with the exception of the capture of considerable illicit whisky on several occasions from train hands and others, nothing of any moment has occurred.

## HORSES.

During the year no eastern horses have been added to our strength, we have been re-horsed entirely with western horses, even the team horses hitherto supplied

from the east have this year been augmented by the selection of the largest and coarsest horses in the ranks, which having been broken to harness have made excellent waggon horses, and I propose in future to follow this practice, as I find a great many horses which are at first fair saddle horses, after a short time under police care and rations, become too heavy for the work, and make excellent teamers. It has been found advisable to cast and sell a good many horses, but good prices have generally been obtained, and their sale has saved serious future loss. A number of deaths have occurred from causes generally incidental to patrolling in countries badly watered, which entail excessive journeys and exposure, but the horses have been taken excellent care of by both officers and men.

At Prince Albert, where we had no stables during an exceptionally wet summer, a lung disease broke out among our horses which, in spite of every care, carried off a number, but the same disease proved very fatal to the horses of the settlers in that district, several losing all they had. It is satisfactory to know, however, that the erection of new stables at most of our posts this year will give a better chance of taking care of our horses in future, and if my suggestions about building log posts at convenient distances along the frontier be carried out, our horses will have a better chance, as after a hard ride, exposure is the cause of a great deal of sickness and subsequent death.

The number of horses now on the strength is 921, and with some exceptions they are a young, sound, powerful and useful lot, and I am now able to report that all the divisions are well horsed.

It will be advisable, however, to purchase 100 horses from time to time next spring as opportunity offers of securing first-class animals at a reasonable figure, to be distributed among the various divisions, and thus enable us to turn out the same number of horses, which will become slightly stale, for a run which will make them capable of much longer service, while if kept at steady work they would, in all probability, collapse before next winter and be a total loss.

#### SADDLERY AND HARNESS.

The saddlery of all the divisions is generally in good order, and with the exception of "B" division which lost a great deal unavoidably when the riding school was burned at Regina, will require but little expenditure during the coming year, only the ordinary wear and tear replacement being required. It having been found necessary to supply "D" Division, in British Columbia, with double cinch saddles, I was able to outfit "G" Division hitherto supplied with Canadian saddles, with the single cinch saddles handed over by "D." I propose to buy no more single cinch saddles as the double are better in every way.

The harness is generally in good order, but about thirty sets of medium light will be required. The harness has so far given general satisfaction, being both light and serviceable and at the same time of good appearance. Very heavy harness is not required in this force, our loads being generally more bulky than heavy.

The halters supplied this year are a great improvement on former issues; many have been made in our own shops. The new handoliers and buckets have been found most useful, and I would suggest that fifty of each be supplied to each Division at once.

The present issue of horse blankets is most satisfactory. We are still very short of numnahs, caused by the difficulty of procuring suitable felt, saddle blankets being generally used in default.

#### FORAGE.

I am pleased to report that there will be a reduction this year in the cost of forage generally, oats having fallen to a reasonable figure at all the posts in the Territories with the exception of Edmonton, owing to the good crops. At Edmonton, a severe frost just at the time the tenders were called for, frightened the sellers, and



the tenders though very reasonable for imported oats were too high, as in spite of the frost, a fair crop was threshed out.

Hay this year has been plentiful in nearly every District except at Macleod, and has been secured at reasonable rates, but the general scarcity in the Macleod District, and the quantities the ranchers now consider it necessary to save for their own use, render it extremely doubtful if much further reduction can be expected.

Very little straw is now in use in this force, the waste in hay being with good management quite sufficient for bedding.

The failure of the oat crop in the Kootenay District has entailed the freighting in of a large quantity, which has necessarily been expensive; the price of hay there is also enormous. Great care however has been exercised by Superintendent Steele, commanding the police in that District, and the horses are kept on the range as much as possible to save expense.

At all posts there is marked improvement in the construction of haystacks, but at many of the posts the granaries are not calculated for the economical storage of oats.

#### TRANSPORT.

The transport of all the Divisions is generally sufficient, and a few waggons to supply the ordinary wear and tear will only be required next year. Very strong double-buckboards have been introduced which with a few alterations have been found very useful, and the adoption of a half-spring waggon, thimble skined, has been found to meet our requirements admirably for patrol purposes. These waggons are deficient in a few minor details which will be altered in our next supply. The repairs to transport, including painting, has in almost every instance been done by our own men.

To insure the proper care of transport, all posts should at once be supplied with waggon sheds, the outlay in paint alone being good interest on the cost of construction. The disastrous fire at Regina caused the loss of some light transport and sleighs, but the energy of the men saved the greater part. Our commodious waggon sheds being part of the Riding School, perished also.

#### ARMS.

The whole force is now supplied with Enfield revolvers which are well adapted for our work. I propose to arm the Railway Police with a smaller weapon which can be carried in a less conspicuous manner.

The Winchester carbine so long the favourite arm with western prairie men is not giving good satisfaction in the Force, the ease with which it gets out of order and its liability to break off at the stock, are serious drawbacks to its efficiency. The advantages of the magazine in this carbine are quite neutralised by the difficulty experienced in keeping it in order, and the great temptation it offers, especially to young recruits, to waste their fire. For a Military weapon the trajectory is very much too high. A good many of the first issues are gradually wearing out, and I would suggest that as soon as it can be settled which is the best carbine now made, one Division be supplied with it, when if satisfactory it can be issued to the rest of the Force.

I would suggest that the repayment price of ammunition be reduced as low as possible that the men may be encouraged to practice independently of their annual drill, and that two marksmen in each Division, receive extra pay and badges.

#### BARRACKS.

The new barracks have been completed at Regina and are well suited to our requirements, the difficulty in obtaining seasoned wood however will cause considerable repairs from time to time. The necessity of appointing a competent architect to take charge of Mounted Police improvements is very apparent, as the

ordinary clerk of works does not understand our wants. The loss by fire of the Riding School on November 26, has been a great blow to us and it will be almost impossible to train recruits this winter; its re-erection at an early date is imperative.

This post is now in good order, and with the exception of a new Riding School and Oat house, the only outlay necessary will be for a few repairs and painting.

Early in the spring, one of the old log barrack rooms at Calgary was burned down, and since then the division at that post has been very uncomfortable and crowded. In fact when not on duty the men have had no place to spend their evenings, and have been compelled to put in their spare time in the town, which has got several of them into serious trouble. The proposed erection of new barracks on the Regina plan will remedy this, but I regret that it has not been considered advisable to build in brick or stone. Considerable improvements have been made at that post during the year, the stables have been sided, which will save serious annual expense, and a neat wire fence has been put round the post.

At Prince Albert an entirely new post has been built, and when finished and fenced in will be most complete. When I inspected it in November, I considered it the best finished, best laid out, and most convenient post under my command, and great credit is due to the clerk of the works, Mr. Peters, and to Superintendent Perry commanding the force there.

At Battleford the temporary buildings erected last year are in use still, and with the improvements suggested in my previous report to you, will be amply sufficient for the force I propose to keep at that post.

New barracks are required at Edmonton, our present headquarters at Fort Saskatchewan being out of the way. I would strongly recommend that a new post be commenced in the immediate vicinity of Edmonton, where the main body of the division doing duty in that district should be quartered. This action I should have strongly recommended before if I could have got a suitable site, which can now be found on the surrendered Indian reserve, south of the town.

Only \$2,000 was allowed Superintendent Griesbach to repair and alter Fort Saskatchewan to hold his division this winter, and the assistant commissioner reports very highly of the judicious manner in which he has laid out this money. This is the only post I have not been able to inspect personally this year, but I propose to do so at an early date, when I will select a suitable site for the barracks.

The post at Macleod is in good order and only the usual painting and repairs will be required next year, unless "D" Division returns from Kootenay, when another large stable will be required.

At Lethbridge the new barracks are rapidly approaching completion and when finished the men will be very comfortable. The site is commanding and dry, but at present the water supply is bad; a pipe and tank from the Galt water system is proposed, the construction of which will remove the difficulty.

At Medicine Hat the barracks are now in excellent order, but we are badly handicapped in consequence of their position, as when most wanted we are often prevented from crossing the river. The erection of a log outpost at Bulls Head at the Head of the Cypress mountain where a party will be kept at all times except in the dead of winter, and a small town detachment (which for want of a building of our own, works badly) is the best I can do at present to counteract the bad situation of the Post, which should be pulled down and re-erected on the south side of the Saskatchewan River, as Indians on horse stealing intent always make for Medicine Hat.

At Maple Creek, the headquarters of "A" Division which supplies the detachment for Medicine Hat, the barracks are in a bad state, they are small, crowded together and most inconvenient, and it is quite impossible to keep a division in good shape. The hospital is a shell, and there is neither recreation room, saddle room or subalterns' quarters. If Maple Creek is to remain the headquarters of a division, a new post should be commenced at an early date.

At Wood Mountain, which is the summer headquarters of "B" Division (Regina being their winter quarters) a small building and stable costing \$1,500, has been erected which affords good accommodation to the small detachment it is necessary to keep there in winter, and additions to this post at an early date would ensure great comfort to the division in summer; \$2,000, would cover the expense.

It having been found advisable to send "D" Division under Superintendent Steele to Kootenay last June, it was necessary to construct complete barracks and accommodation for a full division in a country where neither mechanics or finished material could be obtained. These difficulties have been ably overcome by Superintendent Steele, and his division now occupies very comfortable quarters with hospital, stables, &c. complete, entirely constructed by his men, and this done in the face of a virulent outbreak of fever in the division. Too much credit cannot be given to this officer, and indeed to the whole division for these results when opposed by enormous difficulties.

Our greatest weakness at all posts is inadequate fire protection. In winter the inclement nature of the climate renders fire engines, Babcocks and other appliances considered efficacious in more temperate climes, comparatively useless here, and our only safety lies in constant vigilance, for let a fire once start, the best equipped fire brigade in the world would be unable to conquer it with the temperature at 40, and a breeze blowing.

I must again draw your attention to the advisability of at once supplying this force with suitable iron bedsteads in place of the untidy and uncomfortable bed boards and trestle still in use. Every other force in the Dominion has now comfortable iron bedsteads supplied, and even the convicts in the gaols are also supplied with them, while my men sleep on hay palliasses on hard boards.

#### FUEL.

In the North, wood is still generally used as fuel although coal has been issued at Edmonton, but wood is generally so reasonable that we find it more economical, besides distributing the money more evenly among the settlers.

In the South, and along the line of the Canadian Pacific Railway, we use coal almost entirely, the larger portion of which comes from the Galt Mines. We are trying Medicine Hat coal at that post, and some Barff anthracite has been used, but until a crusher is employed at that mine it is no use attempting to use the coal.

The hard coal used at Regina in limited quantities, comes from Pennsylvania, but four fifths of the coal used here is from the Galt Mines. This coal burns well but dirties the pipes very soon, and entails constant care.

Coal is still too high, and I hope by next winter to see it considerably reduced in price.

#### KITS AND INCREASED RATES OF PAY.

The kits of the men are now generally very complete, and the articles of clothing issued satisfactory, with the exception of the great coats which neither possess the strength nor are sufficiently waterproof for the use of a Force exposed to so much hard work and weather. The disappearance of the buffalo and the difficulty in replacing the coat of that fur hitherto in use with a suitable substitute, has rendered us short of fur coats. At present we are trying an article called "Montana Calf," and if natural black skins of this quality could be used instead of dyed ones, I think this want would be met. The coats supplied this year are long and split-tailed, affording good protection to the men's legs either riding or driving.

Compensation for the kits not required by the men has been introduced lately and is a great boon to the men, while at the same time it will do away with excessive kits, and consequently cause a reduction in transport required, and be a great saving to the Government, the compensation allowance being two thirds of the value.

The pay of artisans can now be increased when I consider it advisable, and there

is no doubt the services of a better class of artizans will be secured and retained in the future.

#### DRILL.

During the year every opportunity has been taken to perfect the various divisions in both foot and mounted drill; target practice being completed were practicable. So much patrolling, however, has been necessary that there has not been as much time for drill as formerly.

The recruits have had a great deal of drill, and have been well instructed in police duties, and with very few exceptions, all the force are good riders. The horses have been well trained to lead and stand fire in addition to regular drill movements.

#### CONDUCT, DISCIPLINE, &c.

The conduct of the men in the force has generally been very good indeed during the last year. Nearly every instance of bad conduct has been directly attributable to whisky, and I have found it necessary to summarily dismiss several men. I propose in future with your consent to dismiss all men with dissolute habits as they are only an encumbrance to the force. As soon as the Pension Bill, now under consideration is in force, I consider there will be no occasion for imprisonment, the imposition of fines and dismissal will cover all cases.

The energy and good conduct of the non-commissioned officers throughout the force has been a bright example to the men, and I am happy to say that I have no cause to regret any promotions that I have made during the year.

A great deal has been written in the newspapers about dissatisfaction among the men, caused by my bad management and favoritism for Old Countrymen when making promotions. This is not the case as the men are generally well satisfied, strict impartiality having been invariably shewn in promotions. Being a Canadian myself of United Empire Loyalist stock, it is hardly likely that I should pass over Canadians, in fact the records of the force in your possession clearly show that there are more Canadian non-commissioned officers in proportion to the number of Canadians in the force than is the case of other nationalities.

During the year 179 men became entitled to their discharge by expiration of service. Of these no less than 85 immediately re-engaged for a further term; 20 who took their discharge have since re-engaged, and 11 men who were discharged in previous years have rejoined the force. Many others would re-engage if there was no objection to married men, but the difficulty of providing married quarters and many other reasons, render the engagement of married constables undesirable.

#### PHYSIQUE.

The general physique of the force is of a very high standard, and there are very few men who are not in the prime of life, they are well set up and are generally fit for the arduous work they are liable at any time to be called upon to perform.

#### HEALTH OF THE FORCE.

With the exception of malarial fever in Kootenay, which carried off four constables, and at Wood Mountain, which resulted in the death of one constable after the division had moved into winter quarters at Regina, the health of the force has been remarkably good.

It has been found necessary to invalid a good many men during the year, but with the exception of one or two accidentally injured, all those invalided were suffering from complaints with which they had joined the force.

## RATIONS.

The patent process flour now issued to the force is giving general satisfaction, and the only article requiring improvement is the coffee which is issued in the bean, and is not of as good quality as the other rations, and it is only with the greatest skill and care that it can be made a pleasant beverage.

The compressed tea still continues to give the highest satisfaction.

## DESSERTION.

Most of the deserters were as usual of very short service and were generally town-bred men who were not suited to the lonely life incidental to a policeman's duty in this country.

Greater care is necessary in selecting recruits for this force. Many of the certificates on which men are engaged are written by friends who are anxious to get them out of their neighbourhood, and hope that the discipline of the police will reclaim their proteges.

The difficulty of getting out of the force is also a great cause of desertion. Offers of more lucrative employment, the illness or death of their parents, legacies left to them, and other causes of a like nature, constantly require some of them to leave the force. Only three a month are (out of a thousand men) allowed to purchase their discharge, and as frequently their future depends on a speedy release, they desert. I would suggest that men be allowed to purchase their discharge at 30 days notice, provided that such a course be compatible with the safety of the country.

## RANCHING PROSPECTS.

Last winter was generally most disastrous to cattle on the ranges all over America, in our North-West however although the loss was much higher than usual, the best managed ranches suffered but little. A great many cattle died but these were for the most part those that arrived in the country late in the fall, and in poor condition, and their owners having no shelter for them, they naturally were unable to stand the exceptional weather. There has been a considerable fall in the value of beef this season, and the ranchers have been obliged to seek a market in the Eastern Provinces for their surplus animals. Many of these animals were afterwards shipped to England with very gratifying results, and I think it has now been clearly demonstrated that a fair profit can be obtained in the old country on cattle sent from our extreme west, provided they are of the best quality.

Hay in enormous quantities has been put up this year on most of the ranches, and so far the season has been propitious.

## CROPS.

The crops in the agricultural districts of the North-West Territories have generally been extremely good this year. At Edmonton early frosts destroyed a portion of the grain crop and almost entirely ruined potatoes. In the Qu'Appelle Valley district, a great deal of damage was done by gophers, particularly in light soil. In the ranching country the crop was not a very good one, the season having been late and cold, but hay all over has been an excellent crop, and farmers generally are endeavouring to get into mixed farming as fast as their means will allow.

## GAME.

The late severe winter was disastrous to the antelopes, large bands seeking the vicinity of the settlements in search of food and falling an easy prey, and deer of.

---

all sorts are now very scarce in the country. The usual supply of most fur-bearing animals is reported to exist, but the almost total extermination of the rabbits from throat disease, that comes regularly every seven years, has been followed by the corresponding scarcity of lynx.

In conclusion, I wish to express my appreciation of the support I have generally received from all ranks during the year, and while quite aware that in many points we are still deficient and capable of improvement, I think that in all respects the efficiency of the force has improved during the past year.

I have the honour to be, Sir,

Your most obedient servant,

L. W. HERCHMER,  
*Commissioner, N. W. M. P.*

## APPENDIX A.

## ANNUAL REPORT OF THE ASSISTANT COMMISSIONER, NORTH-WEST MOUNTED POLICE, 1887.

NORTH-WEST MOUNTED POLICE,  
CALGARY, N.-W. T., 30th November, 1887.

SIR,—I have the honour to submit my annual report for the year ending 30th November, 1887.

Being the only inspecting officer at present, my duties necessarily kept me on the road the greater part of my time, and consequently I will have little to say about Calgary which is my head quarters.

All magisterial work done by me is embraced in the return furnished by the officer commanding "E" Division.

In connection with my duties as assistant commissioner I have travelled a great number of miles during the year, as below :

By rail .....	10,461
By water.....	900
With horses overland.....	3,620
On foot, snow-shoes.....	200

Total..... 15,181

During the year, I have visited every station, including outposts, at which we have men stationed.

Reports having been forwarded to the Honourable the Minister that the Indians in the Kootenay District of British Columbia were very uneasy, and likely to give serious trouble to the settlers who are entirely unprotected, I received confidential instructions from you to proceed to Kootenay at once and make a report on the state of the country, the necessity for sending in police, and the best route by which to get them in and the cheapest and best way to provision them while there. I accordingly started on 1st January accompanied by sergeant Macdonnell, and finding it impracticable, owing to the depth of snow and the impossibility of hiring Indian packers, to get in by Golden City, I proceeded *via* Victoria and Tocomah to Sand Point on the United States side of the boundary line, where finding a settler just in from Bonner's Ferry on the Kootenay, I engaged him to take me to that place; although there was a good waggon trail from Kootenay Station, six miles east of Sand Point, to Bonner's Ferry, a distance of forty miles, owing to the depth of snow it took us two days to make the distance, and finally it was necessary to leave all our kit, except a change of underclothing and a pair of blankets each, and travel on snow-shoes to Cranbrook, Colonel Baker's place on Joseph Prairie. We travelled up an old pack trail which follows the Magic River for a good part of the distance; it has not been used very much lately, freight from Kootenay now going in from Golden City, instead of from Sand Point on the Northern Pacific Railway. The trail was very rough, and a great deal of fallen timber and deep soft snow made the work rather hard. I had Kootenay Indians packing our blankets and provisions, they carried about 35 pounds each, and proved to be capital fellows, very willing and obliging. The Indians did our cooking and baking and were very clean about it; we only carried bacon, flour, tea and sugar.

At Cranbrook, I hired saddle horses, and visited the settlers, making all possible enquiries, and reported to you that I considered it necessary to send in Police, for the

reason that I found a very uneasy feeling existing among the settlers as to the Indian question. The older Indians, having a number of cattle, are anxious for peace, but the young men, who are all great gamblers and have no stake in the country are a bad lot, and ready for mischief at any moment.

The Kootenay Indians are a fine race physically and are Christians of Catholic persuasion. They have no idea of the boundary line and state that they cannot understand why they should not have the run of the Kootenay River as in the past, and which they claim as their country. They strongly protest against being placed on reserves, particularly Nos. 3 and 4 Bands, the former saying that they want to live where they always have lived, a number of them having cattle.

They also say that the reserve is in no way suited for their purposes; they also object strongly to Colonel Baker taking up a portion of land, which he purchased from Mr. Galbraith, or the Government, on Joseph's Prairie, and which is claimed as being inherited from old Joseph, in his lifetime a notable chief of the Kootenais.

No. 4 Band live principally on the American side of the line, and object to their reserve. They are, from what I hear, a bad lot. There are always a number of renegade whites and Indians living with this Band and traders openly sell whiskey which, of course, makes matters much worse.

There are about three hundred and fifty fighting men in the various bands, all well armed and with plenty of ammunition.

At the same time I forwarded you a map of the country and a report of the best routes into it and the easiest way to ration the force sent in.

I returned to Calgary early in February, visited High River on the 19th inst. and inspected the Detachment there.

On the 25th I proceeded to Regina, remaining there until the 5th March (being employed on a board examining non-commissioned officers who had put in a course of instruction) when I returned to Calgary.

On the 16th I again started for Regina to take over command during your absence on duty at Ottawa, but had to go to Calgary again on the 20th to hold an investigation into the cause of a fire by which one of the barrack buildings was destroyed; I returned to Regina on the 24th and remained in command until your return on 1st May.

I left for Calgary on 2nd May.

I omitted to state that in December 1886 I inspected "A" Division at Maple Creek and Medicine Hat.

On the 11th May I proceeded on special duty to Golden City.

On the 24th I started overland to the Governor General's Crossing of the Red Deer for the purpose of making arrangements for "K" Division and seeing them safely over the Red Deer River, which fortunately was just fordable. This Division arrived at the River in capital form, both men and horses.

In June, having been ordered to accompany the Commissioners Vowell and Powell, I proceeded to Kootenay *via* Golden City, taking the steamer "Duchess" as far as the Lower Columbia Lake; from there we took horses to Wild Horse Creek, an old mining camp. Chief Isadore was sent for, and after several days interview, he agreed to hand over Kapula to the British Columbian authorities, whenever called upon to do so.

This Kapula had been arrested on suspicion of murder, and Isadore and his band had released him.

I found, as suggested in my former report, that the United States Government had sent 25 men to Tobacco Plains from their camp at Missoula.

The Indians I found well armed and have about 500 cattle and 2,000 ponies. The settlers have about 1,000 head of cattle and a few horses.

There were some "Stonies" in the Valley ostensibly on a trading visit, but I have reason to suspect their object was to give assistance, if any row had occurred with the Kootenais.

From appearances I considered that most of the oats could be supplied in the



country, but the crop was destroyed almost entirely and it was necessary to send in nearly all the grain required.

I made arrangements for Superintendent Steele's Division as far as possible, and gave him all the information I had acquired.

I returned to Calgary on the 6th July and proceeded to Regina on the 9th, remaining there until the 16th.

On the 21st I started from Calgary on a tour of inspection through the Northern Posts. I inspected the detachments of "G" Division at Red Deer and Edmonton and the headquarters of the division at Fort Saskatchewan. I found the division in good order, the buildings very comfortable. I proceeded on to Battleford, going by way of Victoria, Saddle Lake, Onion Lake and Fort Pitt, inspecting the detachment at Onion Lake.

I was astonished at the change I found in the country, in many places ponds, which used to be quite deep, were dry, there was also a great scarcity of small game.

I inspected "O" Division and reported that the buildings required to be made wind and weather tight, before they would be fit for winter.

I then proceeded to Prince Albert and inspected headquarters of "F" Division. I was much pleased with the situation of the new barracks, both in a strategical as well as a sanitary point of view; the buildings are splendidly constructed, and will be warm and comfortable, they are the best arranged barracks I have seen in Canada.

I inspected the detachments of "F" Division at Batoche and Touchwood Hills and reached Regina on the 17th August, having made 1,000 miles on the prairie. I then returned by rail to Calgary. On the 2nd September Deerfoot, a Blackfoot Indian, was arrested for larceny and escaped. By your instructions on the 4th September, I visited the Blackfoot camp, for the purpose of interviewing chief Crowfoot, and had a long talk with him, but finding it impossible to get the surrender of Deerfoot, wired you to that effect.

Trembling-Man, who was shot by Thompson, died that day in the upper camp; there was considerable excitement amongst the Indians over it, particularly as at that time Thompson was on bail, and Bad-Dried-Meat, who shot Thompson's comrade, Peach, was in confinement. The Indians did not understand the difference. I explained the law of bail as well as I could and Crowfoot was perfectly satisfied.

My subsequent failure to arrest Deerfoot I have already reported to you, but if we were unsuccessful, we had a good opportunity to learn all about the reserve, part of which is very much cut up with sand hills and ravines and a difficult country to operate in. An opportunity was also given to us to make a show in force, and this undoubtedly, has had a good effect on the Indians generally.

On the 11th September I started for Regina, and on the 14th I left with horses to visit the outposts to the east and south, and inspected all of them, viz:—

"B."—Qu'Appelle, Langenburg.

Depot Moosomin.

"B."—Wood End, Willow Bunch, Wood Mountain.

"A."—East End Post, Farwell, Ten Mile Crossing, Graburn, Bull's Head, Willow Creek.

"K."—Pen d'Oreille, Writing Rock, Milk River Ridge, Kipps Coulee.

"H."—Stand Off, St. Mary's, Dry Forks Kootenai, Pincher Creek, Crow's Nest, The Leavings.

"E."—High River.

I am of opinion that it would be expedient to put up houses and stables at all the different outposts, also to have hay put up so that detachments could, if necessary, remain out all winter, even if they did not, men could periodically be sent out along the line and would make a house every night.

I would recommend also that detachments be established between Wood End and East End Post; it is a rather long distance to cover.

From all I could gather the patrol system has given general satisfaction, and, I

am positive, prevented a great deal of crime. Horse stealing has been reduced to a minimum.

I found the horses every where of excellent quality and in capital condition ; of course there were necessarily some which had broken down ; this must be expected from the severe work which our horses are frequently called upon to perform.

I have no hesitation in saying that I consider the Broncho horses are the most suitable in every way for our service, both teaming and saddle. Of course we have a number of Canadian horses, which have turned out well, but taking all things into consideration, I give the preference to the Broncho.

I found everywhere that all articles of Government property were being well taken care of; however some of the stations urgently require waggon sheds and harness rooms, as without these it is very hard on transport, &c.

The physique of the men is very fine.

The forage I have seen this year has been of first class quality.

I attach a table of distances which might be of service if printed and distributed among the different divisions.

Trusting this report may prove satisfactory,

I have the honour to be, Sir,

Your obedient servant,

W. M. HERCHMER,  
*Asst. Commissioner.*

The Commissioner,  
North West Mounted Police,  
Regina.

## TABLE OF DISTANCES.

	Miles		
Fort Qu' Appelle to trail to Methodist Colony on Pike Hill trail .....	8	Water, wood and feed .....	
Fork to Pheasant Creek; Jones, through Methodist Colony .....	32	do do .....	
Jones to Old Touchwood trail .....	10	do do .....	
Junction Touchwood trail to road from Broadview to York Colony .....	15	No wood; water .....	
Junction to Crescent City .....	10	Water, wood and feed .....	
Crescent City to Boakview .....	15	do do .....	Post office.
Boakview to Pierpoint .....	16	do do .....	
Pierpoint to Churchbridge .....	9	do do .....	
do Langenburg .....	15	Good feed and wood, poor water .....	
Langenburg to Millwood .....	18	.....	
Millwood to Birtle .....	29	Town .....	
Birtle to Fort Ellice .....	14	Water, wood and feed .....	Ferry.
Ellice to Moosomin .....	30	Good camps on road .....	
Moosomin to Big Pipestone .....	8	Water, wood and feed .....	
Big Pipestone to Little Pipestone .....	17	do do .....	
Little Pipestone to The Antler .....	12	do do .....	
The Antler to Carlyle .....	18	do do .....	Post office.
Carlyle to Hazard's Coal Fields .....	46	do do .....	do
Half way between these points good water and feed.			
Hazards to Wood end .....	16	do do .....	Police station.
Wood end to First Crossing, Long Creek.	15	Water and feed; no wood .....	
First Crossing to Sinclair's Crossing .....	12	Water, wood and feed .....	
Sinclair's Crossing to Second Crossing .....	17	Water and feed; no wood .....	
Second Crossing to Bath .....	10	do do .....	
Bath to Duck Pond .....	12½	do do .....	
Duck Pond to Gibson's Creek .....	20½	do do .....	
Gibson's Creek to Gagnon's Spring or Big Bath .....	20	do do .....	Good spring.
Big Bath to Alkali Springs .....	20½	do do .....	
Alkali Springs to Moose Bottom .....	16	Good water and feed; no wood.	
Moose Bottom to Willow Bunch .....	19	Water, wood and feed .....	
Willow Bunch to The Springs .....	22	do do .....	
The Springs to Wood Mountain .....	15	do do .....	
Wood Mountain to Old Wive's Creek .....	24	Water and feed; no wood .....	
Old Wive's Creek to The Hole .....	18	do do .....	
The Hole to Snake Creek .....	26	do do .....	
Snake Creek to Pinto Horse Butte .....	14	Wood and water .....	
Pinto Horse Butte to McCarthy's Lake .....	14	Bad water; good feed .....	
McCarthy's Lake to White Mud .....	18	Water and feed; no wood .....	
White Mud to Jumbo Creek .....	22	do do .....	
Jumbo Creek to East End Post .....	20	Water, wood and feed .....	
East End Post to Farewell .....	18	do do .....	
Farewell to Oxarart's Rancho .....	22	Water; no wood .....	
Oxarart's Rancho to Ten-Mile Crossing .....	13	do .....	
Ten-Mile Crossing to Graburn .....	22	do .....	
Graburn to Sand's Mill .....	13	do .....	
Sand's Mill to Bull's Head .....	15	do .....	
Bull's Head to Willow Creek .....	18	do .....	
Willow Creek to Bearss Creek .....	10	Water and feed; no wood .....	
Bearss Creek to Many Berries Creek .....	22	Water, wood and feed .....	
Many Berries Creek to Pen d'Oreille .....	18	Water and feed; no wood .....	
Pen d'Oreille to Middle Creek .....	15	do do .....	
Middle Creek to Writing Rock .....	18	do do .....	Little wood.
Writing Rock to Milk River Bridge .....	25	do do .....	
Middle River Ridge to Kipp's Coulee .....	25	do do .....	
Kipp's Coulee to Lethbridge .....	25	Water, wood and feed .....	
Lethbridge to Strong's Rancho .....	20	do do .....	
Strong's Rancho to Stand Off .....	15	do do .....	
Stand Off to Lee's Creek .....	21½	do do .....	
Lee's Creek to St. Mary's .....	6½	do do .....	
St. Mary's to Dry Forks, Kootenay .....	28½	do do .....	
Dry Forks, Kootenay, to Pincher Creek .....	18½	do do .....	

TABLE OF DISTANCES—Continued.

	Miles.		
Pine Creek to Macleod .....	32	Water, wood and feed .....	Camp half-way.
do Crow's Nest Pass .....	21	do do .....	do
Macleod to Leavings .....	30	do do .....	Stopping house.
Leavings to Mosquito Creek .....	22	do do .....	do
Mosquito Creek to High River .....	14	do do .....	do
do Stimson's .....	24	do do .....	Police station and post office.
Stimson's to Lynches .....	15	do do .....	do
Lynches to Sheep Creek .....	13	do do .....	Stopping house and post office.
High River to Sheep Creek .....	10	do do .....	do do
Sheep Creek to Pine Creek .....	12	do do .....	do do
Pine Creek to Fish Creek .....	6	do do .....	do do
Fish Creek to Calgary .....	8	do do .....	do
Calgary to Oochrane .....	26	do do .....	do
Oochrane to Morley .....	20	do do .....	do
Calgary to Langdon .....	20	Good feed; no wood; bad water	do
Langdon to Old Sun's (upper camp preserve)	24	Water, wood and feed .....	do
Old Sun's to Agency .....	5	do do .....	do
Agency to Crowfoot's (lower camp) .....	12	do do .....	do
Crowfoot's to Gleichen .....	12	Water and feed; no wood .....	do
Gleichen to Calgary .....	50	do do .....	do
do Cluny .....	10	Water, wood and feed .....	do
Cluny to Governor General's Crossing (Lord Lorne) .....	30	Good water on road; wood at river.	do
Calgary to Dickson's .....	22	Water and feed .....	Stopping house.
Dickson's to Scarlett's .....	18	do .....	do
Scarlett's to Lone Pine .....	20	Water, wood and feed .....	Police station.
Lone Pine to Miller's .....	20	do .....	Stopping house.
Miller's to Red Deer .....	13	do .....	Police station; ferry over bridge.
Red Deer to Blind Man's River .....	7	do .....	Stopping house; mail station; bridge over river.
Blind Man's River to Barnett's .....	14	do .....	Stopping house.
Barnett's to Battle River .....	14	do .....	Bridge over river.
Battle River to Alwyn's .....	7	do .....	Post office; stopping house.
Alwyn's to Peace Hills .....	23	Water between; no wood .....	Stopping house; police station.
Peace Hills to Black Mud Bridge .....	20	Water, wood and feed .....	do
Black Mud Bridge to Edmonton .....	15	do .....	Town and police barracks; good ferry over Saskatchewan.
Edmonton to Fort Saskatchewan .....	18	do .....	Police barracks.
Fort Saskatchewan to Vermilion River, north side .....	26	do .....	do
Vermilion to Deep Creek .....	15	do .....	do
Deep Creek to Victoria .....	22	do .....	do
* Victoria to Clear Creek .....	15	do .....	Hudson Bay Post, telegraph station and ferry.
Clear Creek to Saddle Lake .....	20	do .....	Indian Department farm; telegraph station.
† Saddle Lake to Egg Lake .....	20	Water and feed; no wood .....	do
Egg Lake to Moose Creek .....	14	Water, wood and feed .....	do
‡ Moose Creek to Frog Creek .....	16	Water and feed; wood on trail	do

\* From Victoria a trail leads to Lac la Biche, which can be used by coming a shorter road on south side.

† From Saddle Lake a trail leads to Lac la Biche.

‡ From Moose Creek trail leads to Lac la Biche.

TABLE OF DISTANCES—*Concluded.*

	Miles.		
Frog Creek to Onion Lake.....	20	Water, wood and feed.....	Police station and Indian farm.
Onion Lake to Fort Pitt.....	15	do .....	Hudson Bay Post; telegraph station; snow over river.
Fort Pitt to Deep Valley Creek.....	30	do .....	Several good camps here and at Pitt.
Deep Valley Creek to Forty-Mile Creek....	25	Little wood, good water and feed .....	Plenty of wood on road between Deep Valley Creek and Forty-Mile Creek.
Forty-Mile Creek to Bressaylor Settlement..	10	Water, wood and feed.....	
Bressaylor Settlement to Battleford.....	30	Poor water on trail; plenty of wood and feed .....	Town and police station.
§ Battleford to Twenty-Five-Mile Creek....	25	Water, wood and feed.....	
Twenty-Five-Mile Creek to Raspberry Creek	20	do .....	
Raspberry Creek to Eagle Creek .....	10	Poor wood, good water and feed	
Eagle Creek to Telegraph Creek .....	10	Water, wood and feed.....	
Telegraph Creek to Springs .....	15	do .....	Mineral iron spring.
Springs to Stony Bath .....	15	Wood and feed; water not very good	
Stony Bath to Carlton .....	15	Poor feed on hill, in bottom good	
Carlton to Finlay's Forks of Road.....	30	Water, wood and feed.....	Between Carlton and Finlay's several good camping places.
Finlay's Forks of Road, to Prince Albert.	30	do .....	Police station and town.
Prince Albert to McFarlane.....	25	do .....	
McFarlane to St. Laurent Ferry .....	15	do .....	Ferry.
St. Laurent to Batoche.....	10	do .....	Police station; ferry.
Batoche to Gabriel's Ferry.....	5	do .....	
Batoche to Lake Houghton.....	30	Good feed, no wood, bad water..	
Lake Houghton to Humbolt.....	30	do and wood; no water	Between Gabriel's Ferry and Humbolt are several camping places, but no wood.
**Humbolt to Edge of Plain .....	25	Water, wood and feed.....	
Edge of Plain to Lake of Two Hills.....	8	Good water and feed; no wood	
Lake of Two Hills to Springs.....	20	Feed and water.....	Mail station.
Springs to Indian Farm .....	15	do .....	
Indian Farm to Telegraph Station.....	10	do .....	Indian Agency.
Telegraph Station to Hudson Bay Post.....	7	Wood, water and feed.....	
Hudson Bay Post to Skunk Bluff.....	40	do .....	Between latter points several good camping places at short distances.
Skunk Bluff to Qu'Appelle.....	19	do .....	
Qu'Appelle to Forks of Road .....	15	do .....	
Forks of Road to Edge of Bush.....	15	do .....	
Edge of Bush to Regina.....	15	do .....	

§ Between Battleford and Eagle Creek there are numerous camping places.]

|| Country settled all the way between Finlay's and Prince Albert.

\*\* Anderson's stopping house half way between Humbolt and Edge of Plain.

## APPENDIX B.

## ANNUAL REPORT OF SUPERINTENDENT J. COTTON, 1887.

NORTH-WEST MOUNTED POLICE,  
BATTLEFORD, 30th November, 1887.

SIR,—I have the honour to submit my annual report for 1887.

The past winter was a quiet and uneventful one as far as the Battleford district was concerned. The weather was exceptionally severe, but, notwithstanding this, patrolling was regularly kept up. The different Indian reserves in this agency, viz., Mosquito's (Assiniboine) and Red Pheasant's (Cree) in the Eagle Hills; Sweet Grass, Poundmaker's and Little Pines (all Cree) on the Battle River, and Moosomin's (Saulteaux) and Thunder Child's (Cree) on the Saskatchewan River, were visited monthly by our patrols. In all cases careful enquiry was made as to the general state of the Indians and the nature of the employment they were engaged in. These enquiries, as shown from the substance of the monthly reports submitted to you, were eminently satisfactory. One of the benefits arising from systematic patrolling was the making manifest to Indians that a watchful police supervision was maintained over their actions.

On representations made to you by the Indian Department it was decided to establish a permanent outpost from Battleford at Onion Lake, 12 miles north-west of Fort Pitt. The strength of the detachment stationed at this place was 1 non-commissioned officer and 10 constables, supplied from "C" and "K" divisions. Accommodation for the men was obtained from the Indian Department, by its placing a small building at our disposal. A suitable stable was erected with our own labor at a mere nominal cost. This detachment was inspected monthly by an officer sent for that purpose from this post. By the purchase of such supplies and forage as were obtainable on the spot, very material assistance was rendered to Indians willing to work. Of the services rendered by the detachment I have always had exceedingly good reports. Every assistance in our power was given to the Indian Department. Law and order were efficiently maintained, and the presence of a small body of police in a distant and isolated portion of the Territories was not without its good effects. At a comparatively speaking recent date the Indian Department notified me that the building which has been in occupation, was required for their departmental use. I represented this to you, and on your authority I rented a suitable building from Mr. Gibson, of Onion Lake, which building the detachment now occupies. It affords comfortable and healthy quarters. The stable, built near the Indian Department building we had formerly used, I had removed with police labor to a convenient position immediately adjoining Mr. Gibson's building. Since the removal of "K" division from Battleford to Lethbridge, the Onion Lake detachment has been composed solely of non-commissioned officers and constables from "C" Division. The usual monthly inspections are still continued. In making these inspections the officers detailed for that duty have at different times experienced very considerable difficulty in ferrying their parties across the Saskatchewan River opposite Fort Pitt. The only means of crossing the river is by the employment of an old scow, the property of the Hudson's Bay Company. As a considerable quantity of Government freight, for both the Indian and Police departments, has to be crossed at this point, I would bring to your notice with a view to its receiving favorable consideration, a proposition recently made by the Hudson's Bay Company to the effect that if the Indian and Police Departments would each contribute one-third of the cost, the company would build and

keep in repair a good scow and cable across the Saskatchewan. I trust you will consider yourself in a position to bring this matter to the notice of the Honorable the Indian Commissioner.

Another outpost was established in the half-breed settlement of Bresaylor, which is situated between the Saskatchewan and Battle Rivers at a point about 24 miles west of Battleford. Quarters for the men and stabling for the horses were rented from one of the half-breed residents. The detachment comprising this outpost was also inspected monthly by an officer sent from Battleford. The departure of "K" Division from Battleford reduced by half the force under my command. This brought about the compulsory abandonment of the Bresaylor outpost. The settlement is now visited weekly by our patrols.

A small detachment was stationed for duty on the trail from Battleford to Swift Current, with its headquarters at the 60-mile bush, south from here. This detachment has just been recalled for the winter months.

The large extent of country covered by patrolling parties sent from here will be seen on reference to the enclosed map. (Included in Commissioner's Map.)

I very recently furnished transport and escort for a party of 36 Cree Indians returning from south of the International boundary line, to their reserves in this district.

On the 18th May, in accordance with orders received from you, "K" Division marched from Battleford *en route* to Lethbridge. The route taken being *via* the Red Deer River (Governor General's Crossing,) Blackfoot Crossing and Macleod. A portion of the transport required was furnished from "C" Division. This transport returned from the Red Deer River. "K" Division served under my command for a period extending over eight months, during which time the conduct of the non-commissioned officers and men was exemplary.

In my annual report of last year I gave a detailed statement of the additional barrack accommodation erected at this post by the Department of Public Works in the autumn of 1886. You are aware that the buildings used as quarters for the non-commissioned officers and men were regarded as for temporary use, the intention being to ultimately utilise them as permanent stables. As no new barracks were built at Battleford this year, it was found necessary to effect minor repairs in order to ensure the present buildings being made comfortable for the winter; and an appropriation of \$5,000 was made for this purpose. The original estimate for this expenditure is as follows:

<b>Officers' Quarters—</b>	
Porch, front door.....	\$ 20.00
<b>Married Officers' Quarters—</b>	
Repairing roofs .....	39.50
<b>Mess cottage—</b>	
Repairing roof and plaster, painting roof, &c.....	£ 287.65
<b>Guard room and cells—</b>	
Old barrack room proposed to be turned into guard room, to be pulled down, roof taken off in sections, and re-erected in a convenient place to present barracks...	983.45
<b>Bake oven—</b>	
Building up oven.....	200.00
<b>Well House—</b>	
Clap boarding and building, making a floor and ceiling, sheathing walls, traps in ceiling, double doors and windows, painting, &c.....	314.00
<b>Old Stable—</b>	
Beams and flooring stalls.....	384.40

New Stable—	
Making ceiling, painting roof and doors, and making traps .....	503.23
Barrack Rooms—	
Repairing roofs and cornices, papering walls and ceilings, making porches and painting roofs.....	836.20
Mess Room—	
Repairing roofs, cornices, painting same, papering kitchens and ceilings.....	331.57
Hospital—	
Making porches, double windows, painting roof, plastering inside.....	900.00
Lumber for making shelves.....	200.00
	<u>\$5,000.00</u>

The repairs were to be done under the direction of the Clerk of Public Works, stationed at this place. After the appropriation, I have alluded to, was made, orders were received from the Department of Public Works, at Ottawa, to advertise for tenders for the construction of a new guard room in accordance with plans and specifications provided. Tenders were called for and contracts subsequently let by the Clerk of Public Works. The new guard room is now being proceeded with, and will, I think, be ready for use in a month's time. The site upon which this building is placed was selected by me, and is in conformity with the position in which the buildings erected last fall were placed.

I would again remind you that the buildings comprising the old post proper are for much the greater part positively uninhabitable. I trust the completion of a new post will not again be postponed. On this head I would renew my recommendations of last year. Whatever decision is arrived at, I have to impress upon you the importance of letting contracts and having the work done early in the season. The employment of carpenters and other artisans at outside work, during the winter months is certainly neither expeditious nor economical, and the work performed is often not as serviceable as is otherwise would be. The repairs shewn in the original estimate enumerated above are now being carried out by the Clerk of Public Works. Of course the erection of a new guardroom does away with the necessity for utilizing old material in the manner previously contemplated. Another exception. Instead of "building up" old bake oven, as originally intended, the construction of a perfectly new one outside the post was authorized. Over this oven a thoroughly good and substantial log building was erected by the judicious use of such material as we had at hand. The lateness of the season will preclude the possibility of completing the repairs estimated for.

When completed, the hospital at this post, which is well laid out and amply suited to our requirements, will be thoroughly serviceable and an exceedingly comfortable building. This building should, next year, be sided with tongued and grooved lumber, and painted.

As I premised last year, the pump then in use in well house at this post proved of very limited power. On representing this to you a good serviceable pump was supplied. This pump is now up and in working order. Although our well is nearly 80 feet deep, the supply of water is not as great as I should wish. We are now constructing a reservoir tank capable of holding about 25 barrels of water. This tank will always be kept filled, and thus, in case of fire we shall at all times have a reserve supply of water at command. I trust we will soon be in a position to deepen the well and so increase what I may term our permanent water supply.

In July last I received the hand fire engine for use at this post. This engine is fully equipped with good stout hose; and is well calculated to meet our wants.



Though small, it is one of very considerable power. The performances made at fire drill have been most satisfactory. At a recent date a fire which originated in the hay corral was, by use of this engine, promptly extinguished without any loss to property.

I am thankful to be able to say that the medical history of this post during the past year has been a most favorable one—a marked contrast with that of 1886. During the summer and autumn months of that year typho-malarial fever of most serious form was prevalent throughout this district. This year we have to record but two cases (one of these being a prisoner in the guard room) neither of which were serious. The cleanliness and proper ventilation of all buildings was made the subject of constant care and attention. The sanitary arrangements in regard to the disposal of all slops and refuse were carefully carried out, and I doubt not we have materially profited thereby. On the 18th June, in accordance with your instructions, the divisions was moved into camp about a mile from the barracks, where it remained until the 5th August.

The transport of my division consists of

- 1 ambulance.
- 5 buckboards.
- 6 waggons, heavy.
- 5 " light.
- 2 " half spring.
- 2 " light,

Winter transport.

- 10 heavy bob sleighs.
- 1 box sleigh.

Four of the buckboards represent little more than mere waste material. They are the remnants of buckboards supplied at various dates to the different divisions previously serving at this post, and taken over by me from "K" Division. I now have your authority to condemn them by a Board of officers. This will shortly be done and the return no longer have a tendency to mislead. The balance of the transport is in thoroughly serviceable condition. The repairs necessary from time to time have been effected by our own artisans. The double buckboards supplied last summer are exactly what we require. I trust two more may be issued to us in the spring, as well as two lighter ones of the same make to drive with one horse. I might mention that I had to put new axles in one of the Minchin waggons. There is no doubt that this was rendered necessary by the maker having made use of inferior material in the manufacture. The half-spring patrol waggons which we received last summer meet our requirements well, and supply a long felt want. Such additions to the winter transport as were necessary have already been added by you.

My harness and saddlery has been kept in exceptionally good order. On the "stitch in time" principle, repairs when necessary have been done in a workmanlike manner by constable Hollister, who takes much interest in his work, and who is a very efficient saddler. The artillery harness for the 9-pr. M. L. R. guns I have had thoroughly overhauled under my own supervision. Such slight repairs as were necessary I had made. This harness presents an appearance which would do credit to any Battery of Artillery. I am in need of a full supply of numrahs. I also require 75 Whitman bits. The Pelham bit I dislike. Of whatever use it may be deemed in other countries, it is to my mind absolutely unsuited to our broncho saddle horses.

During the summer my division went through a course of musketry. Taking the average of the scores made at target practice, the shooting on the whole was very fair. Our Winchester carbines are in many cases badly sighted, and I have no doubt the experience gained in other divisions on this head is in keeping with my own.

My division has gone through a very thorough course of drills—mounted and dismounted. I think I have every reason to be proud of the state of efficiency arrived at. A special class for the instruction of non-commissioned officers was formed under Sergeant-Major White. Skeleton, or rope drill, enables non-commissioned officers to acquire a knowledge of divisional movements, even when the number of men on parade is small, which, except when a general parade is ordered, is usually the case from the nature of the daily duties demanded of us.

I have also carefully drilled a M. L. R. gun detachment, and instructed the non-commissioned officers and men in the use and application of projectiles and stores. I would recommend, for the use of divisions having 9-pr. M. L. R. guns attached to them, a more liberal issue of the drill book known as the "Canadian Field Artillery Manual"; or perhaps a still better plan would be to make such extracts from this book as would be ample for our requirements. These extracts, including range tables, could be cheaply published in pamphlet form.

We have at this Post two 9-pr. M. L. R. guns and two 7-pr. mountain guns (bronze). I have given personal supervision to the care of the general stores appertaining to these guns. With regard to our artillery branch, which in time of trouble would be of paramount importance, the 9-pr. M. L. R. guns, though a suitable arm for ordinary field batteries, are certainly not what we require. In the first place, any division to which 9-pr. guns were attached would require to be largely augmented in horses. One of these guns in travelling any distance requires six horses and harness. At the lowest estimation one spare horse for each gun would be required. At least three gunners (including the No. 1) would require to be mounted on saddle horses. We are without ammunition waggons, which on active service would have to be supplied. For this purpose I have no doubt we could improvise some of our heavy waggons. For each waggon a four-horse team would be necessary. The 9-pr. guns weigh 8 cwt (English standard.) They could not be moved as rapidly as would be required were an attempt made to have them act in unison with a purely cavalry force. The Royal Horse Artillery gun of the same calibre is lighter than those we have. Even the Royal Horse Artillery gun is heavier than we require. We would never need so formidable an arm in Indian warfare. With a much lighter gun our artillery branch would attain all the efficiency and power desirable. I would recommend that a Nordenfeldt machine gun be attached to each division. Of course what I have said of the 9-pr. M. L. R. guns applies to the difficulties arising in their transport. I have no doubt that in some cases they might be found useful about our posts.

Now with regard to the 7-pr. mountain guns, it must be conceded that as *mountain guns* we will never require to use them. The carriages and limbers now in use should be replaced by carriages and limbers of field gun pattern. They could be made considerably lighter than those used with the old pattern 3-pr. S. B. gun. Such carriages and limbers could be manufactured in this country. A special estimate would have to be made of the material required. An estimate of this nature I will prepare and forward you. These 7-pr. mountain guns weigh but 224 lbs. They can be readily moved with a mounted division. These little guns are sighted up to 2,600 yards. At 1,200 yards I have made excellent practice with them.

I have at various times borne testimony to the excellence of the different articles of clothing and kit supplied to the non-commissioned officers and men. I regret to say that, while this is still generally the case, there are this year some exceptions which I think should be brought to your notice.

I am of opinion that the tunic material should be of better quality.

The last issue of cloaks (grey) cannot be compared with the blue ones of the same pattern previously supplied. A cloak which is not thoroughly waterproof, and which affords little warmth to the wearer, cannot be regarded as serviceable for prairie use.

For years I have been in favor of discarding helmets and forage caps. To my mind both furnish wretched head dress. I think the forage caps may be replaced by large soft felt hats. Such a hat is in general use by the United States troops serving in the West. The overshirt material is good, but should be more thoroughly

shrunken before the shirts are made up. Our underclothing is excellent though the socks are decidedly longer than they need be, particularly when it is borne in mind that they are worn with riding breeches.

It appears to me the day has arrived when anything in the shape of a "red coat" for prairie work should be discarded. I am in sympathy with the recommendations made last year by Superintendent Jarvis, and I hope a prairie suit may yet be issued to us. Such suit should be of a neutral color made of material which is commonly known as "velveteen cord" and consisting of riding breeches and loose coat with pockets—the old fashioned Norfolk jacket is, I think, the most suitable shape. The cost of such a suit as I have roughly described could, as I notice Superintendent Jarvis recommends, easily be defrayed by dispensing with some of the articles of clothing now issued.

I quote the following paragraph taken from my previous annual report. As I have previously stated it still applies with equal force: "During your recent inspection I pointed out to you the serious discomfort which non-commissioned officers and men experience from the fact of their not being supplied with bedsteads. The old boards and trestles still in use have become sadly dilapidated through wear and tear. Even when now they make a very poor substitute for a bed, and, in addition to this present a sorry appearance in a barrack room."

I have to bring to your notice the advisability of letting, during the coming winter, a contract for the getting out of tamarac posts for the purpose of enclosing the new buildings at this place. This enclosure might be made by building either a palisade or a barbed wire fence with top rail. The wire fence would be the least expensive.

I trust it is the intention of the Government to erect a permanent bridge over the Battle River during the coming year. Up to this time the removal of the temporary bridge in winter and its re-erection in the spring has always been compulsory.

This represents the useless expenditure of the interest of a large sum of money. All freight coming in, and nearly all going out from Battleford, must cross this bridge, which is in fact one of the greatest thoroughfares in the Territories.

With a view of having the matter brought to the notice of the Post Office authorities, I would remind you that there is no direct mail communication between Battleford and Prince Albert. The distance between the two places is 135 miles (shortest route), yet a letter mailed in Battleford for Prince Albert has to travel overland to Swift Current, a distance of 200 miles. From Swift Current it goes by the Canadian Pacific Railway to Qu'Appelle Station, a distance of 186 miles; and then overland again from Qu'Appelle to Prince Albert—another 260 miles. In other words, a reply to a letter cannot be received from Prince Albert, in much less time than one month. I believe a change in the Prince Albert mail route is in contemplation. I am informed that the new route will be from Moose Jaw to Prince Albert *via* Saskatoon. If this is the case a special mail will, I trust, be established between Battleford and Saskatoon. The distance between these two last named places is less than 90 miles. I am aware, also, that a proposition has been made to the effect that mail communication between Battleford and the main line of the Canadian Pacific Railway should also be from Moose Jaw *via* Saskatoon. Such a change would be very objectionable to the residents of the Battleford district. From Battleford to Swift Current is much the more direct route. It is the better road of the two and one on which freight will always be brought in. At present Battleford has but one mail a week. I am of opinion that when tenders are called for a new mail contract, it will be found that a semi-weekly mail service to Swift Current can be established at little more than the present cost. I trust this will be taken into consideration in calling for new tenders.

I think you will agree with me that a money order office is urgently required in Battleford.

There is a fortnightly mail service between Battleford and Fort Pitt. In the performance of this service the mail passes through Bresaylor settlement which is now become a point of some importance. As yet no arrangement has been made for the

establishment of a Post Office at this place. I trust this also may receive consideration at the hands of the Post Office Department. The increased expenditure on this head would be very slight.

Since I wrote my last annual report telegraph communication has been established between Battleford and Fort Pitt.

The Hon. the Minister of the Interior visited Battleford in September last. Such transport and escort as were necessary were furnished by my Division. I trust that the duty devolving upon us in this respect was performed to the entire satisfaction of the Minister.

I enclose herewith the annual report of Asst. Surgeon Aylen, returns of cases tried at this Post, and target practice. (Return of target practice not printed).

You will observe that there have been very few convictions under the North-West Territories Act for infractions of the prohibitory liquor laws. I know of no other district in the Territories which, in this respect, can make a more favorable showing. Several trading outfits were searched during the season, but in no case was any liquor found. I firmly believe that every drop of liquor brought into Battleford came in on permit.

I cannot speak too highly of the conduct of the non-commissioned officers and men comprising my division. In saying this I am not giving expression to any mere conventionality. There has been a total absence of any serious crime, and never in my experience have I seen so few entries in the defaulters' book. I need not add how proud I am to be able to say this.

Before closing I wish to bring to your most favorable notice the name of Inspector Starnes. In addition to the ordinary duties devolving upon this officer as an inspector, he has also performed those of post adjutant and quartermaster. Inspector Starnes takes a deep interest in his work, in the performance of which he is diligent and thoroughly capable.

I have the honour to be, Sir,

Your obedient servant,

JOHN COTTON,  
*Superintendent Commanding.*

The Commissioner  
North-West Mounted Police,  
Regina.

## APPENDIX C.

## ANNUAL REPORT OF SUPERINTENDENT J. H. McILLREE.

NORTH-WEST MOUNTED POLICE,  
MAPLE CREEK, 18th November, 1887.

SIR,—I have the honour to forward my Report from 1st December, 1886, to 19th November, 1887.

All Detachments were in Barracks by the 7th December, with the exception of two men I had in charge of a herd of cattle at East End Post, seized for non-payment of duty. On 17th January Inspector Norman sent a party from Medicine Hat to the Saskatchewan Coal Mine, the miners being on strike. The difficulty was settled and quiet restored. I sent out a party on the 11th of February to look for some men from this place who had taken over freight to Assiniboine and had been out on their return trip nearly a month. They were found near Ten-Mile Crossing, without any provisions, and more or less frozen. Provisions and transport were sent out to them, and they were brought in. A boy who was of the party lost parts of both his feet. On 16th March it was reported that some Bloods had been seen in the Hills. I sent out scouts Cobelle and Quesnelle but they found no trace of Indians. The snow was still very deep in some parts of the Hills. On 22nd March I went to Lethbridge to meet Superintendent Neale to arrange as to where his patrol should meet mine. The Medicine Hat Rancho Company reported to Inspector Norman on 27th March that a number of their horses had been stolen. Mr. Norman sent Staff Sergeant Spicer and three men in pursuit, Spicer had the trail for some time and recovered one mare in Medicine Lodge, but finally lost trail, and went into Assiniboine and from there on to Benton, but did not find any trace of horses. The horses were eventually recovered from the Blood Camp. There having been a good deal of uneasiness reported to be existing among the half-breeds at Saskatchewan Landing, I sent Interpreter Leveillé up there, but except that they were holding frequent meetings, there did not appear to be anything unusual going on. On 31st March scouts M. Quesnelle and Leveillé were sent out on a five days' scout. Indians were reported to have been seen near here. On 3rd April, I sent a strong party out and searched the country thoroughly. No traces of Indians found. The next morning a man named Bradley reported his horses stolen. A party was sent out with scout Cobelle and horses were trailed and found some seven miles from Bradley's house, from where they had strayed. On 5th April a small scouting party was sent out. On the 14th Mr. Gunn, of Red Deer, reported that his three horses had been stolen at Medicine Hat. Another horse was stolen from a settler, and a son of Mr. Gobbett fired at by an Indian who was trying to get into the stable. Two of Gunn's horses were subsequently recovered on the Blood Reserve.

On 14th April the first detachment for frontier duty was sent out, a Non-Com. Officer; five men and a scout. They went to Ten Mile Crossing. On 16th Inspector Moodie arrived for duty at Medicine Hat to relieve Inspector Norman, ordered to Headquarters. On 16th the detachment for duty at "Bull's Head" left Medicine Hat.

Detachment for Willow Creek left Maple Creek on the 19th.

The Medicine Hat Rancho Company having reported that two of their cattle had been killed, I sent four men to remain at rancho and scout that section of the country. On evening of 25th April ex-policeman Gow came in from Graburn and reported that Indians had killed two of his cows; his partner, Stothers, having seen these Indians packing off the meat. I started Inspector Mills out in a couple of hours with twelve

men, wired instructions to Inspector Moodie at Medicine Hat, and notified detachment at Ten-Mile Crossing and Willow Creek to send all men that could be spared to Graburn. The Indians had moved down to some heavy timber, down McKay Creek, and the parties in pursuit did not effect their capture, the Indians getting away on foot during the night. Three horses were however captured which these Indians had stolen; two large draught mares from Sand's mill and a cayuse belonging to a Cree Indian. One of the mares was loaded with meat from the slaughtered cows, some moccasins were also found, dropped by the Indians. Sergeant Spicer had gone out from Medicine Hat with a party to endeavor to intercept the Indians from Graburn, he sent a man into Dunmore and reported that he had come across a party of Indians located in a deep coulee about 25 miles from Dunmore. That on endeavoring to approach the Indians—who were all on foot—they opened fire, and Spicer and his party retired. He stated there were from fifteen to twenty Indians. I instructed Inspector Moodie to take all available men he had to join Spicer and try and take up-trail of these Indians; this however he was unable to do, the Indians being on foot and the country intersected in every direction with deep and heavily wooded coulees. On the 27th three horses were stolen from a man named Watson at Medicine Hat and one from the Rev. Mr. Tudor. A half-breed boy was fired at the same night, the ball going through the rim of his hat. Mr. Tudor's horse was afterwards found on the Blackfoot Reserve, Watson's horses were also recovered.

On the 3rd May, I reinforced the detachments at Bull's Head and Willow Creek. On the 9th I sent a detachment to East End for duty, six men and a scout.

I received orders from Customs Department to seize a herd of cattle belonging to one S. Spencer, for infraction of the Customs Act. I hired a party to round up the cattle, and put Corp. Meneley in charge, about 183 head were collected, and were brought in to Maple Creek, and sold there by Dr. Allen, Inspector of Customs.

On the 14th May I sent detachment to Farwell for duty, which completed my line of outposts necessary to keep up the weekly communication. I also sent an extra detachment of six men and a scout to Graburn. Inspectors Primrose and Mills were also on detachment duty.

On the 20th, two Indians on their way to Stony Mountain, escaped from Sheriff Campbell at Dunmore; men were sent out from Medicine Hat to search country and all detachments notified, but the Indians were not recaptured.

On 18th June a half-breed Sioux was arrested here, charged with having in his possession a horse belonging to a Sioux of "White Cap's" band. The horse was recovered and as the Sioux would not prosecute, I released the prisoner, keeping the horse. On the 25th, some settlers, named Adsitt living south from Irvine, reported to detachments at Graburn and Bull's Head, that their horses had been stolen. Men from both detachments were promptly on hand and the horses were found, having simply strayed. On 6th July, the telegraph station at Battle Creek was completed. The Rocky Mountain Telegraph Company furnished instruments, and Constable Kennedy was installed as operator.

I went into Fort Assiniboine on the 21st July on special duty and returned on the 30th. On 3rd several Indians were arrested for being off their reserves, and were sent to Regina, under escort. A man named Farley was arrested west of Medicine Hat on a warrant charging him with stealing two horses from Mr. Fenton, C.P.R. Agent at Swift Current. When arrested he had a Police revolver in his possession, which proved to be one stolen from the town station at Maple Creek. I gave him 3 months, imprisonment for the offence, and he is to be tried for the horse stealing. The two horses stolen by him were recovered, as well as a rifle belonging to Mr. Fenton and also stolen by Farley.

I sent team and man into Fort Assiniboine on the 13th August, with Mr. Scott, on business in connection with extradition of McLeish murderers.

On 4th October I went to meet the Assistant Commissioner, and accompanied him on a tour of inspection of the outposts of my district, returning to Maple Creek on the 13th.

On 8th October Inspector Sanders arrived from Macleod for duty, on the 11th.

Inspector Sanders, with two non-commissioned officers and 9 men and interpreter, left for Kennedy's Old Post on Milk River, to take over a number of Cree Indians put over the line by the American troops. The Indians had been across the line some days before Inspector Sanders arrived, and had scattered about the country. Some returned across the line, and have gone, I believe, to the South Piegan Reserve; a few went into Medicine Hat, and are now in guard room, awaiting orders as to their disposition. A few were allowed to come in here. Five lodges were left at Battle Creek, and the remainder taken on to Swift Current, where a party under charge of Sergeant Tucker still have charge of them.

On 15th, October Staff Sergeant McGinnis arrested some people on No. 2 train who were connected with the railway ticket forgery at Calgary, and brought them back to that place.

On 25th October, the town station at this place was burnt down. It was an old frame wooden building. The constable in charge hearing a disturbance outside about 2.30 a.m. went out, and was away about half an hour, when he returned the whole building was in flames. He lost all his kit, and private effects.

A half-breed named Rocheblave was arrested at Swift Current for having in his possession two horses stolen from an Indian in Montana. He was brought before the magistrates, committed for trial and sent to Regina. A half-breed named Dubois was sent here from Swift Current on 22nd, September committed for trial for larceny, by Messrs. Tims and Knight, J.P's. I received instructions to release him, there not being sufficient evidence to warrant his trial.

I have had very little magisterial duty to perform during the past year and a return of all cases tried in my district is attached.

There have been a few fatal accidents.

On 16th April Mr. Lawrence, a farmer near here, while handling a revolver shot his daughter in the side. She died a few hours later.

On 14th August a little boy of Jules Quesnelle was accidentally shot. The party were out berry-picking, and one of them getting into the waggon with a loaded shot gun, it exploded in some way, the charge striking the boy inside the thigh of one leg. He died within a couple of hours.

On 1st October a man named Collinge was found drowned in shallow water in the river at Medicine Hat, close to the water cart which he had been driving. He is supposed to have had a fit and dropped off the cart. The same day Mr. Smith, yard master at Medicine Hat, was run over by a gravel train, and died within a few hours.

During the past season I have had the following outposts out, beginning from the west: Ball's Head, Willow Creek, Graburn, Battle Creek, Farwell and East End.

"K" Division patrol from the west connected with my system at Willow Creek once a week, and my patrol connected with "B" Division from the east at McCarthy's Lake every Tuesday. This distance, from the East End to McCarthy's Lake, I consider too far to have to make the weekly connection. I would recommend that a station of some description be erected at some point on the White Mud, about 40 miles from the East End, where a detachment could be stationed. Then, if a detachment from the Wood Mountain District were stationed somewhere about Pinto Horse Butte the patrol could easily meet, and have time to scout the country besides. There has been a great deal of work done by these outposts during the past season. Besides keeping up the regular weekly communication parties were out daily (weather permitting) in different directions from the outposts.

I forwarded to you a map showing position of the different outposts, and the principal scouting lines, but I could by no means show the whole of them as the country has been very thoroughly traversed. Each non-commissioned officer in charge of a detachment sends a copy of his diary, weekly, to the outpost at Battle Creek. They reach me every Sunday evening.

Besides their regular scouting duties the members of each outpost (except Graburn) have erected permanent buildings, which has entailed a good deal of labor. I received a grant of \$1,000 to build five permanent outposts. They have all been completed, and the men on outpost duty are now very comfortable, as well as the horses.

At Bull's Head there is a good log house which holds from ten to twelve men, a very good log stable to hold twelve horses. Both buildings shingled.

At Willow Creek there is a very good house, shingled, holding twelve men; also log stable with shingle roof to hold twelve horses. There is also a "shack" erected by men of detachment earlier in the year, which can, with little expense, be turned into a storeroom.

These two posts were built under the superintendency of Inspector Moodie, and reflect great credit on him.

At Battle Creek there is a good log house, to house six men, shingle roof, stable to hold ten horses, mud roof, telegraph office, log with shingle roof, and a small log building used formerly as a stable, which can be turned into a storeroom.

Farwell has a good house built of cottonwood logs, with mud roof, to hold ten or twelve men. Stable same material, to hold ten or twelve horses.

East End has a good dwelling house, log, with mud roof, will hold eight men. Stable of same material will hold ten horses, but is too narrow, and should be improved on next year.

Each of the dwelling houses has a lean-to kitchen, leading out of the main room, in some of the buildings large enough to be used as a mess room as well as a kitchen.

At Graburn the detachment built themselves a log house, which at present is rather low but by raising it a log or two, the building could be made a very good one. I would recommend that a permanent building be built there next year.

An ample supply of hay has been put up at each of the six outposts, and good strong corrals built around the hay. Acting under your orders I called in detachments from East End and Farwell.

The detachment from East End came in on the 4th November, and that from Farwell on the following day. The remaining detachments are still out (18th November).

I should recommend that Graburn be brought in at the end of the month. That some men be left at Ten Mile all winter, as it is on the line of travel south, and if there is no one to look after the buildings some malicious person might destroy or injure them.

Willow Creek and Bull's Head should be kept out as long as the weather remains open. Scouts kept on during the winter months should visit outposts frequently, to see that everything is in order. Since the early spring, when the western Indians made several raids, I do not think there has been a hostile Indian in the hills. None have been seen. No horses have been stolen from Maple Creek district this year. Some were stolen from Medicine Hat early in the spring, but were mostly recovered.

I consider the result of the summer's work, entirely due to the efficient manner in which the members of the division have performed patrol duties. The Cypress Hills is a difficult country to scout, there being so many hiding places in the thick bushes and coulees, and I think a good staff of scouts is a necessity in this district.

On the 4th November, I received orders from you that Inspector Sanders and ten picked men were to be detailed to proceed, when orders arrived, to the line to take over the McLeish murderers from the American authorities. The party was at once detailed. On Monday the 7th Inspector Sanders and party left to take over the murderers at boundary line on Thursday.

On Tuesday morning Inspector Primrose with ten men left, detailed to go to Ten Mile Crossing, and from there to go south towards the boundary, and scout the country thoroughly, working in conjunction with Inspector Sanders' party. On Tuesday afternoon I received a telegram from you, that Sanders would have to go on to Assiniboine, and possibly into Benton. I immediately telegraphed instructions to Ten Mile, and the despatch was forwarded by man on horseback to boundary line, and he left there and proceeded to Assiniboine with his party. He had to go to Benton to get the prisoners.

I got a telegram from him, that he would be at the line by noon on Monday 14th inst. I instructed Inspector Primrose and party to proceed and meet Inspector Sanders. The two parties met at the South Fork, and reached Ten Mile that night. I sent out a fresh team to meet them at daylight in morning (Tuesday) and prisoners



got in here in plenty of time to go on to Regina that day, but unfortunately the train was cancelled, and there was no passenger train until yesterday, when Inspector Sanders and escort left with prisoners for Regina.

On 7th November a team and five men arrived from Swift Current, being part of the escort which had been with the refugee Crees since the 11th October. Two more men came up on the 13th. The remainder of the party, Sergeant Tucker and two men, left Swift Current on the 13th to proceed with Indians going north until relieved by an escort from Battleford. Six Indians that had been arrested and were in guard room at Medicine Hat, were sent to Swift Current by train, and went north, one Indian went overland with two horses.

On 10th November, Corporal Bulger arrested two men, named Wm. Jordan and D. M. Leamer, both of Fort Macleod, for having intoxicants illegally in their possession. There were three large trunks filled with bottles of brandy and whiskey. The keys of the trunks and the checks for them were found in Leamer's possession. He was brought before Inspector Moodie, J. P., and fined \$200 and costs, and the liquor destroyed. There was no evidence against Jordan, the liquor was brought from Victoria, B. C.

The buildings at this post (Maple Creek) are quite inadequate for the number of men stationed here during the winter months. There is but one barrack building, made originally to hold 25 men, there is no recreation room, or any place where men can go out of their barrack rooms, there are no sergeants' quarters, no sick stable, and no waggon shed, the present guard room has only two cells, and is a very poor affair. The buildings required here are another barrack room, recreation room, sergeants' quarters, guard room, sick stable, a waggon shed, and more officers' quarters. The Quartermaster's store also requires enlarging, at present space is so confined that it is hard to keep things tidy, or easy to find anything you want, as different articles have to be piled one on top of the other. The present buildings will be much improved when the plastering now being done is finished. The hospital will also be more habitable when the authorized repairs are made.

The buildings at Medicine Hat are generally in a fair state of repair.

#### *Fire Protection.*

There is no adequate fire protection at either this post or Medicine Hat; all there is to depend upon are water buckets and a few "Babcocks." At Medicine Hat, there being no wells there, the river is the nearest source of supply. There are also a few "Babcocks." In the event of a fire gaining headway at either post the whole of the barracks would go.

#### *Transport.*

The division is well supplied with light transport. The "Minchin" backboard is an excellent one. The "Minchin" lumber waggon I consider too light for this section of the North-West. Two supplied here came to grief; the first one the front axle went, and the hind one in the other.

#### *Arms.*

Many of the Winchester Carbines, from long service, require looking over; some have front sights crooked and many require browning and a general look over by the armourer. The revolvers are mostly in good order.

#### *Saddles.*

I would recommend that the division stationed here be issued entirely with doudle cinch saddles. I consider them a necessity in this section of the country. A saddle room is also a great necessity here; you having just authorized the building of one, the saddles and harness can be better looked after in the future than they have been.

---

*Telephones.*

I would again recommend the erection of a telephone line to barracks both at Maple Creek and Medicine Hat.

*Desertions.*

During the past season there have been eight desertions from my division. One man was granted leave and did not return, one man deserted from Medicine Hat, two from this post, one from Graburn, two from Battle Creek, and one from Willow Creek.

Sixteen American deserters reported here during the past season.

*Drill and Target Practice.*

The drill I have been able to perform has been small. The past winter was unusually severe and the snow deep. Early in the spring the Indians began to raid, and horses and men were kept constantly going. Then permanent detachments were sent out, and there has been on an average about 50 men on outpost duty all the season. Target practice was pretty well finished by most members of the division, and some mounted target practice performed.

*Horses.*

Eight horses were cast and sold, seven of which were sent to Calgary. Fifteen re-mounts were received. Seven horses have died during the year, leaving my present strength at this date (4th November) 95 horses and 2 pack mules. Saddle horses have mainly kept in very good condition, by being able to change about and give the poor ones a rest. The team horses are pulled down somewhat, their work for the past year has been constant and arduous. In addition to general duties and supplying outposts with rations and oats, logs had to be hauled, and different supplies hauled long distances for the construction of the five permanent outposts.

*Ferry at Medicine Hat.*

This ferry was repaired at considerable expense, but the repairs were well done. A substantial tower built and cable well stretched, and the boat has been running well; as far as I can see, the expenses in connection with the boat should be very light next year.

*Indians.*

There are still the usual number of Indians about my district. They have made quite a lot of money by polishing buffalo horns and selling them, principally to passengers on the trains. Most of them have horses and had gardens this year and raised some garden stuff. They behave themselves well. One I sentenced to one month's imprisonment for assulting another Indian and breaking his wrist. Three horses were taken from an Indian at Medicine Hat, who had found them at Forks of Red Deer. They were branded I.D. I sent them to Regina by Joe Tanner. Several parties of Indians who had left their reserves were arrested and sent back.

*Health of Division.*

I regret to have to report that Staff Sergeant Holme died on the fourth of June, from pneumonia, after a short illness. He was very popular with his comrades, a clever physician and regret at his death was universal.

The general health of the division has been excellent. There was only one case of fever which yielded readily to treatment.

---

I am glad to report that there have been no serious accidents to anyone in my division during the past year.

I am happy to report that, with a few exceptions, the conduct of non-com. officers and men has been entirely to my satisfaction. They have always shown themselves willing and ready to carry out all orders entrusted to them, and I trust you will judge they have done their work efficiently when you take into consideration the very small amount of horse-stealing or other crime that has taken place in this district during the past year.

I leave this post to-morrow to take over my new command at Calgary. I have been stationed here in command of "A" Division for the last three years and a-half, and I leave the division with much regret.

I am unable to forward any medical report; there have been so many changes in the hospital staff here, and the present acting hospital steward, Constable Ware, has not been here long enough to be able to write a medical report for the past year.

I have the honour to be, Sir,

Your obedient servant,

J. H. McILLREE,

*Supt. Commanding "A" Division.*

The Commissioner  
North-West Mounted Police,  
Regina.

# APPENDIX D.

## ANNUAL REPORT OF SUPERINTENDENT R. B. DEANE.

REGINA, N.W.T., December, 1887.

I have the honour to render my report for the year commencing the 26th March last.

On that date having temporarily handed over my duties as Adjutant of the force to Inspector W. G. Matthews, I proceeded to Ontario on recruiting service.

After having spent about a month in Ottawa, during which time considerable correspondence with applicants produced but few suitable recruits, I opened an office in Toronto and advertised the requirements of the Police by means of posters in the city and its neighborhood. I also visited Montreal and London. The standard is unusually high, being 5 feet 8 inches in height, and minimum age 22 years. In consequence of the latter regulation I was compelled, during the first few weeks to reject some applicants who were in other respects very eligible. In reply to representations, however, I was instructed to use my own discretion in relaxing the age disqualification in the case of well developed and promising applicants.

I received 183 applications for engagement, exclusive of about 25 of which I kept no record, such as drunken men, tramps, &c. I, in all, engaged and sent to headquarters, 63 intelligent and able-bodied men, who produced recommendations or testimonials, which I believed to be authentic. Of these, one named Henry Foster, an ex-street railway employee in Toronto, failed to report to me at the train after he had completed his engagement papers. I was informed that a relative had given him funds to go to England, and that he had already started. Charles Hildred (I was informed from headquarters) also deserted while *en route* to Regina. He, too, was an ex-employee of the Toronto Street Railway, whom I would not accept until he had completed his engagement therewith. He appeared to be very anxious to join the Police, and his references were good, but it is certain now that he was no loss. Sixty-two applicants were rejected by the examining surgeons, varicocele and varicose veins being prominent disqualifications. Of the remaining 58 some were rejected as being under height or age. Two could not read or write. Some were sent to the doctor for examination and did not go to him; others who underwent examination ascertained that they were sound and well, and went their way. I gave every man fully to understand the conditions of service in the Mounted Police, set forth its disadvantages as well as its advantages, pointed out that discharge by purchase being rarely permitted, unless a man has made up his mind to serve for the five years of his engagement, he had better not sign the papers. I believe that results have shown that the recruits so engaged have done satisfactory service so far.

On the 19th July, in accordance with your orders, I took over command of the Depot Division at Regina and Headquarters District.

On the 27th Sergeant Macpherson, "who reported that he had reason to believe" that the murderers of McLeish were in the neighborhood of Fort Ellice, travelling south, was sent with two constables to intercept them. He subsequently reported: "On arrival at Brandon was informed by two half-breeds that Gaddy, Racette and LeRoy were seen on the 19th July near Fort Ellice, travelling south. I, with my party, left Brandon and went to Plum Creek and from thence to Sayer's ranche; drove to the house of a man named Mossange, who told me that a half-breed named Davis had told him that two breeds answering the description of Gaddy and Racette had come to his camp after nightfall on the 21st July. I went to Oak Lake and from there to St. John's, Dakota, where I reported at the Custom house, and was

told by the American interpreter that he knew where the murderers were, but that he would not tell me. This interpreter and the United States Marshall agreed to go that night, taking me with them as deputy marshal, but this offer they afterwards withdrew. I paid Joseph John to go and ascertain the exact position of the parties wanted and left myself for Killarney, to allay suspicion. Next day when I returned to St. Johns, John reported to me that they had been camped on an island at a lake on the south-west of the mountain on the 3rd August, but had left that place in disguise, wearing Indian clothing, and had been seen 10 miles north of Buffalo Lake and were on their way to Canada.

"The U. S. Marshall wanted to go to Fort Totten for a company of United States infantry to follow the fugitives, but I, knowing how useless it was to follow mounted men with infantry, decided to return, and reached Headquarters on the 7th August."

News was received here on the 12th August, by a telegram from the officer commanding at Fort Macleod, that Gaddy and Racette had been arrested at Fort McGinnis by the Sheriff of Montana.

Mr. D. L. Scott, Q.C., Crown Prosecutor for this judicial district, proceeded to Fort Benton with Corporal Mathewson and a settler from Wolseley to identify the prisoners and take the necessary steps to procure their extradition, and the prisoners were accordingly extradited and brought to Regina by Inspector Sanders and an escort on the 18th November. Their trial is peremptorily fixed for the 3rd January next, at Wolseley.

On the 15th August it was reported to me that a child about 2½ years old, belonging to Mr. Pringle, of Regina, had strayed from its mother, who was on a visit at Pense. A Police party was despatched to search the neighborhood, accompanied by some citizens of Regina. The child was lost on the evening of the 15th, but the loss was not reported here to the following afternoon. The child was found about 7 o'clock on the evening of the 17th in some bushes about 1½ mile from the house from which it had strayed, and beyond being somewhat frightened, was, "strange to say," little the worse of the exposure.

On the 18th September the body of a man, who was afterwards identified as John Deacon, was found dead at the railway switch near Grenfell. He was last seen alive on the previous day some miles west of Grenfell where he was met by some men who were working on the railway; he had been working on the railway at Pasqua, and had started to walk to Winnipeg. An inquest was held and a post mortem examination made, when the jury found that death had resulted from "fatty degeneration of the heart."

On the 19th October, Dr. Dodd, coroner, reported to me that he had just returned from Pense where one William Love had been accidentally shot by a companion, named Springfield Rice. It appears that they had been examining an old Winchester carbine, in the magazine of which (unknown to them) was a cartridge, which successive movements of the lever failed to pump into the barrel and eject as would have happened had the carbine been in proper condition, at last, however, the cartridge found its way into the barrel and just as Mr. Rice had completed his examination he laid the carbine on the table and almost immediately afterwards the cartridge exploded, the bullet entering Mr. Love's kidneys, and inflicting injuries from which he died the next morning. The coroner did not consider it necessary to hold an inquest.

The periodical reports have described details of the Police work performed during each month and there have been no occurrences in this district during my tenure of command to call for special notice. The list of criminal cases disposed of which accompanies this report is evidence of work that has been done.

The country has been thoroughly patrolled throughout the district. The outposts along the line of railway are provided with horses, and have patrolled the country in their respective neighborhoods.

Patrols have been sent out from headquarters in such manner as to keep at least one always moving about the country. Their general direction is shown on

the map which has been furnished to you, and as their details are for the most part unimportant a report taken at random of a patrol which left here on the 2nd August may suffice.

"Sergeant Launder with 4 constables, 1 interpreter and 6 horses, left headquarters on the 2nd August, proceeded to Long Lake and from there to Touchwood, visiting the settlements and mission on the way. From Touchwood to Round Plains and thence by the Prince Albert trail to File Hills, Pleasant Plains *en route* to Wolseley. From there passing south of the Assiniboine Reserve to Indian Head, Qu'Appelle, Muscowpetung's Reserve, Piapot's Reserve, Crofter's settlement and Home. The sergeant in charge reported water very scarce, crops in general good, no complaints from settlers, and Indians working quietly on their reserves. The settlers invariably expressed their pleasure at seeing the Police."

The usual escorts have been provided at the Indian treaty payments.

Prairie fires have not been so frequent this autumn as in former years, and in certain cases prosecutions have been held in abeyance pending the publication of a recent Ordinance passed by the North-West Council. In a case at Summerberry during the month of November the proceedings were by a writ of Certiorari removed from the Magistrate's Court to the Supreme Court, the Canadian Pacific Railway Company being the defendants in the case, the result is not yet known. With a view to enforcing the provisions of the existing Ordinance, the country has been divided into sections and a non-commissioned officer expressly detailed in each to follow up cases of prairie burning.

The police as a body have assisted in extinguishing fires when within reasonable reach. A fire appeared on the horizon one dark evening in November last, and was truly alarming; one could apparently distinguish stacks, if not a house, in a blaze. I mounted a party and set off in the direction of the fire, which after some time disappeared from view, but which might, nevertheless, have continued to rage in a depression of the prairie, to break out with renewed violence later on. After travelling about six miles, a farmer met us and said the fire had been started to burn a clearing, that it had been properly safe guarded and had burnt itself out. A similar alarm occurred a few days later, but on that occasion a party, after riding about fourteen miles, estimated that the fire was still twenty miles ahead of them, in a locality where there were no settlers, so returned home.

Now that judicial districts in the North-West Territories have been re-constituted, I would respectfully suggest that at some point convenient in eastern Assiniboia, a lock-up should be provided for the use of that district.

At present the Police at Qu'Appelle, Wolseley, Broadview, Whitewood and Moosomin have no means whatever of providing for the safe custody of a prisoner, other than by shackling him.

Moosomin is 150 miles from Regina, and the Police guard room at the latter place is the nearest lock-up. Notwithstanding that Regina is in a different judicial district from that over which Mr. Justice Wetmore presides, I would respectfully submit for consideration that Qu'Appelle, through which the Prince Albert and other trails pass, should have a lock-up capable of temporarily securing the safe custody of at least two prisoners. I have previously reported to you that the building at that place, hitherto occupied by the Police as barracks and stable, are no longer habitable.

The Police post at Fort Qu'Appelle is too far from the town for the site to be of any value for Police purposes, and I would submit that a barrack room, capable of accommodating at least four men, with a lock-up for two prisoners and a stable for at least three horses, be erected in a suitable part of the town. By utilizing such of the material in the present buildings as is fit for use, the accommodation I describe can be erected for \$500. I have previously reported in detail on this subject. I submit further, that as Moosomin may be said to be the headquarters of the eastern Assiniboia judicial district, and as a detachment of at least six men are required there for ordinary duties and patrols, that Police barracks and stables should be

erected there for the accommodation of ten constables and eight horses, the barrack building to include room for a lock-up capable of holding four prisoners.

The cost of railway transport, which is annually incurred in conveyance of prisoners and their escorts to and from Regina, will contribute no inconsiderable proportion towards the erection of such buildings, to say nothing of the additional convenience and facilities for carrying out the public service. At present the men at Moosomin lodge in a rented building and board at an hotel. The latter arrangement is convenient, because otherwise, in a small detachment, one man is always fully employed in cooking, &c. for the others, and is consequently non-effective, but it would be very much better if the men could live in their own barrack building, at a convenient distance from neighbors.

On the 11th November, in consequence of a sprained ankle, I was placed on the sick list, and remained thereon until the 4th December. During that interval, however, I was able to preside over a court of enquiry, convened by the Assistant Commissioner, to investigate the origin of, and circumstances connected with the burning of the riding school on the 26th November last. The evidence went to show that the conflagration originated from a fire which had been lighted in a stove in the saddle-room used by "B" Division on the morning of the 26th before the man in charge thereof went to his breakfast, at about 7:30 o'clock. He stated that when he left the door of the "Syndicate" stove was open, the dampers closed, and a moderate fire in the grate. The fire was discovered about 8:45 a.m., and Constable Browne's evidence was corroborated by that of Constable McConnell, who was one of the first to enter the burning room, with a Babcock, and standing close to the stove in question, noticed that the doors thereof were open, and that there was very little fire in the grate. He first saw the fire in the ceiling over the corner of the room in which the stove stood, and it appeared to be burning between the ceiling and the roof, the saddle-room in question being a compartment of a lean to which ran along the northside of the main building. The court could only conjecture as to the origin of the fire, but the impression in my mind is that the bracket upon which the brick chimney was built sunk, that the chimney or the safe, or both, cracked in consequence of the settlement, and that burning soot found its way through the crack and ignited the dry woodwork between the horizontal ceiling and the lean-to roof, and that burning embers dropped down between the studding inside the partition wall and set a light to shavings and other combustible material on the ground.

In accordance with your directions to report upon the several murders that took place during the past summer, as officer in present charge of Headquarters Police District, which extends from Moosomin in the east, to Moose Jaw in the west, and from Touchwood in the north to the outposts of "B" Division (stationed at Wood Mountain) in the south, I beg to report that the murders of McLeish, at Wolseley, Poole, at Sumner, McLean, near Whitewood, and Smith, at the Salt Plains, were committed about the end of May, nearly two months before my return from Eastern Canada, I can, therefore, only render copies of extracts from the diary in the district office, which are as follows:—

#### TUESDAY, 31ST MAY.

Telegram from constable Mathewson reporting that a man was shot at Wolseley by horse thieves. Telegram from Hill, J. P., that a man was murdered a Sumner by horse thieves, considerable excitement. Inspector Baker left at 5 o'clock p.m. to make enquiries.

#### WEDNESDAY, 1ST JUNE.

Sergeant Richards and 11 constables, with 14 horses, left by special train at noon for Grenfell on special duty in connection with the recent murders by horse thieves.

#### THURSDAY, 2ND JUNE.

Inspector Baker returned from Grenfell bringing Geo. McKenzie, a prisoner charged on suspicion with being implicated in the murder of McLeish, near Wolseley.

Sergeant Macpherson arrived with two Indian prisoners charged with the murder of Peter Smith.

Constable Johnson brought in Joseph Racette charged with being implicated in the murder of McLeish, near Wolseley.

SATURDAY, 4TH JUNE.

Superintendent Jarvis, Sergeant Rohrig and 24 constables left for Broadview for duty in connection with the recent murders at Wolseley and Whitewood. Sergeant Blight and 2 constables, left for Grenfell on similar duty. Sergeant Macpherson and Constable Henderson left for Indian reserves to bring in witnesses in the case of the murder of Peter Smith.

Constable Tennant from Qu'Appelle brought in Moïse Racette charged with being implicated in the murder of McLeish.

TUESDAY, 7TH JUNE.

Inspector Norman Staff-Sergeant, Mahony, Sergeant Farmer and 25 constables, with 13 horses, left for Broadview by special train at 5 o'clock a.m. in pursuit of the murderers of McLeish. Geo. McKenzie in custody, charged with being accessory to the murder of McLeish, was brought before the Commissioner and discharged on his own recognizance of \$200 to appear when called upon.

Inspector Brooks returned from Whitewood where he had been investigating the Poole murder.

SATURDAY, 11TH JUNE.

Inspector Baker returned to Broadview, Inspector Norman Staff-Sergeant, Mahony, Sergeant Farmer, and 37 constables returned from Crooked Lake. Sergeant Macpherson left by night to bring further witnesses in the case of Nan-nan-kase-lex, charged with the murder of Peter Smith.

TUESDAY, 14TH JUNE.

The prisoner Nan-nan-kase-lex was examined by Inspector Norman, J. P., and remanded to the 21st instant.

On my resuming duty on the 19th July, I found that two prisoners, Cree Indians, named respectively Nan nan-kase-lex and Ana-say-o, were being held in custody here. Nan-nan-kase-lex was charged with implication in the murder of Peter Smith at the Salt Plains, but there being insufficient evidence against him he was discharged on the 11th August, with the concurrence of the Crown prosecutor.

The other prisoner, Ana-say-o, had been arrested under warrant of Justice at Touchwood on a charge of having been concerned in the stealing of some horses from an Indian of Pasqua's band, and it was suspected that he was implicated in the murder of Smith, but there being no evidence to connect him with one crime or the other he was discharged, also with the consent of the Crown prosecutor.

Between the 1st January and 28th December of this year, 157 recruits have been taken on the strength of the Depot Division, and 13 have re-engaged for a further term of service making a total of 170.

Forty-five non-commissioned officers and men have been discharged during the same period (including constable Dowse who died on the 12th December from a cancerous tumour in the shoulder.) One sergeant and one constable's time expired, one staff sergeant and 17 constables by purchase, 1 corporal and 17 constables invalided, 3 constables dismissed, 15 constables deserted and one discharged special authority.

A total number of 60 officers non-commissioned officers and men have been transferred to and 157 officers, non-commissioned officers and men have been transferred from the Depot Division, between the above mentioned dates.

The average number of officers, non-commissioned officers and constables on the monthly pay roll of the Depot Division is 160, involving a monthly payment of about \$5,000 dollars, paid for the most part in small sums, with innumerable stoppages.



---

So far as I have observed since my return to Regina the conduct of the men has been good. . Now that they are installed in the new barrack buildings they are comfortable enough, the rooms, however, though well warmed, are ill ventilated.

HORSES.

The horses call for no special remark, 64 remounts have been taken on the strength of the division, and 24 have been transferred from other Divisions; the losses for the same period, viz., from 1st January, to 28th December, being 7 cast, and sold, 7 dead, and 32 transferred to other divisions, the average strength of the division in horses is 129.

A board of officers has reported from time to time upon the quality and fitness for service of transport, harness, clothing, &c., as received from the contractors and, as a rule, prior to issue from the Quartermaster's store.

I have the honour to be, Sir,

Your obedient servant,

R. BURTON DEANE,  
*Superintendent commanding Depot Division,  
And Headquarters District.*

## APPENDIX E.

## ANNUAL REPORT OF SUPERINTENDENT P. R. NEALE, 1887.

MACLEOD, 30th November, 1887.

SIR,—I have the honour to submit the following report for the past 12 months.

The district under my command is very quiet and very free from crime. The Blood and Peigan Indians are contentedly staying on their reserves, and there is not even the annual rumour of an uprising in the spring.

The frontier patrol, extending from the Crow's Nest Pass to the Cypress Hills, a distance, by trail travelled, of 292 miles, has worked very successfully throughout the season has tended to keep the Indians on their reserves, and has in a great measure put a stop to the passage of parties of Indians on horse-stealing expeditions, which, before its establishment, were so often complained of.

The patrol by its constant movements has also been of great benefit to the ranchmen between Mosquito Creek and the boundary line, only one case of cattle killing (the perpetrator of which was apprehended and punished) having been reported. The system inaugurated by me, with your consent, of making the patrol men call at every rancho on their line of march to ask if there are any complaints, has also given great satisfaction to settlers.

In addition to the frontier detachments, during the summer season a small party was stationed at the Leavings of Willow Creek, and connecting with a party of "B" Division at High River, kept up communication with Calgary, and scouted through the Porcupine Hills to the north of the Peigan Reserve. Another small party stationed at the Peigan Reserve Post scouted through the reserve and thence in a westerly direction to Pincher Creek, watching and reporting the movements of the Peigans and calling upon the settlers in the Porcupines.

The Indians on the Blood Reserve are watched by the Stand Off, Kootenay, and St. Mary's Detachments, the men of which in addition to their patrol work on the frontier are constantly riding on and about the reserve and noting and reporting the movements of its occupants.

The first matter of interest which occurred after my last annual report was that of the capture by Corporal W. R. Simmons, of "H," of one Michael Shear, who had a quantity of liquor in his possession. This man was sentenced to six months, hard labor in default of payment of fine.

Inspector Wattam having arrived here on the 8th December, 1886, proceeded to put "D" and "H" Divisions through a complete course of drill.

During February considerable excitement obtained amongst the young men of the Blood nation. They held several meetings, and determined to start south for the purpose of avenging the death of six of their tribe who were killed by the "Gros Ventres" in Montana in September last. Happily by the combined efforts of Mr. Pocklington and myself they were persuaded to take no action until the authorities had investigated the matter.

About the 10th February, 1887, Sergeant Brymner of "H," then in charge of Stand Off Detachment, with the assistance of Red Crow, Chief of Bloods, and Star Child, a Blood, recovered ten horses, the property of one Mr. Granchamp, that had been stolen from him at the Sweet Grass Hills, Montana.

As you are aware, during 1886, the Patrol Detachments east of Lethbridge were stationed about midway between the Galt Railway and the boundary line—at Chin Coulée, Forty Mile Coulée, and Bull's Head Coulée. The water and feed at all these places being bad, I, with your approval, moved the Detachments south, placing one twenty-four miles south of Lethbridge at "Kipps" Coulée; one on "Milk River

Ridge," twenty-five miles further south and a little east; one at the "Writing on the Stones" Coulee, thirty miles east of the "Milk River Ridge" Detachment; and another at "Pend-d'Oreille," thirty-five miles still further east, which latter party rode fifty miles and connected with a Detachment of "A" Division, stationed south-west of the head of the Cypress Hills. A new outpost was also established midway between the Milk River Ridge Detachment and that on the St. Mary's River, (fifty-eight miles south-west of Macleod) so that the whole frontier from the base of the Rockies to the head of the Cypress, where the duty was taken up by "A" Division, was closely watched.

On the 22nd February, Mr. Pocklington, Indian Agent at the Blood Reserve, notified me that one of his Indians had murdered his wife and immediately afterwards committed suicide; the non-commissioned officer at Stand Off having cognizance of, and enquired into the case, further action on the part of the Police was unnecessary.

On the 26th February, a report reached me, that "glanders" had broken out in a herd of horses, the property of the Brown Ranching Company on the St. Mary's River. Inspector Sanders and Veterinary Staff-Sergeant Jackson were immediately dispatched to inspect the herd, and two horses, were, with the consent of the Manager of the ranche, destroyed.

The winter of 1886-87 was probably the most severe within the recollection of any white settler in the district, for weeks the snow was 2 feet deep on all the trails, and the cattle on the ranges suffered greatly in consequence. On the 11th March, a thaw having set in, the ice in the "Old Man's River" broke up, and all the low lands bordering the river from Pincher Creek to Kipp were flooded. An ice jam took place just above Kipp; the water rose and flooded the stopping-place, kept by W. H. Long, on the east side of the river, and distant from the river some 90 or 100 yards, the water entering Long's house, and rising therein to a height of nearly 5 feet. Masses of ice, weighing 3 and 4 tons, were thrown up on the bank on either side. Two telegraph poles on the west, and one on the east bank were swept away and the wire broken. For some days the river was so bad that it was impossible to cross it even in a boat, so that both mail and telegraphic communication was suspended. After a few days Constable Furois, the telegraph operator here, pluckily crossed the river in a canvas boat, and, having taken with him a telegraph instrument, opened communication with Lethbridge, and got messages through to Macleod by calling or repeating them to a constable on the west side of the river.

In the meantime the Peigan Detachment was entirely cut off by the same river; I could not communicate with Pincher Creek owing to the state of that stream, nor could I with the St. Mary's Detachment, their post being badly flooded. The Stand Off Detachment was in the same condition, the Kootenay being too high to cross, nor could I communicate with the party stationed at the Leavings on the Calgary trail, as Willow Creek was, if anything, worse than the Old Man's River.

On the 20th April His Honor the Lieutenant Governor arrived and on the 22nd proceeded to the Blood Reserve returning the same day, and on the 23rd, visited the Peigan Reserve, leaving for Calgary on the 25th. His Honor was furnished with escort and transport during his stay in this district.

On the 27th April, information having been received that a party of Police under Staff-Sergeant Spicer of "A" Division, had been fired on, in the vicinity of the Cypress Hills, thirty men, under command of the late Sergeant-Major Lake, were at once ordered to move from Lethbridge East with orders to arrest any Indians that they found in that vicinity. The Outposts were notified, as also the Indian Agents.

On the 29th April, the Officer Commanding at Lethbridge reported that a party of freighters had been fired on by Indians near Kipp's Coulee. Inspector Sanders was immediately sent out with 12 men, but failed to make any arrests, and, from what I have since heard, I am led to believe that the freighters' story was void of truth.

The Stand Off Detachment, during the month of April, recovered seven horses

which had been stolen some months previously from a Mr. Spencer, of Sun River, Montana, the Indians surrendering them without demur.

On the 3rd May, a draft, consisting of one Sergeant, one Corporal, eighteen Constables, and eighteen horses, arrived here from Regina. Ten of the men were afterwards, by your order, sent to "D" Division at Lethbridge.

On the 6th May, having ascertained the names of some Indians suspected of having been in the party which fired on Staff-Sergeant Spicer, Inspector Sanders, Assistant Surgeon Rolph, and thirty non-commissioned officers and men, were sent to search the Blood Reserve, and endeavour to arrest the suspected persons; they were, however, unsuccessful.

On the 9th May, Inspector Sanders was placed in command of fifteen mounted men with necessary transport, with orders to keep patrolling south of the Blood Reserve in order to intercept any small parties of Indians leaving their Reserve for Montana without the written permission of their Agent. This officer performed the duty entrusted to him most zealously as did also Inspector Chalmers who relieved him in July.

On the 18th May, Inspector Sanders with a party of "H" Division very cleverly captured two Blood Indians, viz., "The Dog" and "Big Rib," who were supposed to be of the party which fired upon Staff-Sergeant Spicer. That charge, however, fell through, but on the 17th May they were each sentenced to five years penal servitude for stealing horses, the property of one Robert Watson of Medicine Hat, two of the three horses stolen being recovered by the Police and handed to Watson. As already reported to you, the convicts were handed over to the sheriff on the morning of the 18th May, and escaped from his custody on the morning of the 20th, and although every effort was made to re-capture them, they succeeded in getting across the line.

On the 26th May my command was reinforced by Inspector Wattam and thirty-three men of "E" Division, who remained in this district and took part in the scouting and patrolling until July.

On the 27th May, owing to the very high water in the Old Man's River, an accident occurred at Kipp, which caused the death of two horses of "D" Division and very nearly caused the death of four others and three Constables. The disaster occurred owing to the breaking of the wheel of the ferry-boat, and but for the courageous action of a Mr. McNab and Constable W. H. Scoles of "H" Division, assisted by Constable Londrum, now of "D," four other horses on the boat would have been lost.

On the 28th May, His Honor the Lieutenant Governor, accompanied by yourself, arrived here, and on the next day held a council with the Chiefs of the Blood tribe, at which it was arranged that Inspector Sanders, with a small body of Police, should accompany Mr. Pocklington, Indian Agent, and Chief Red Crow to Fort Assiniboine, Montana, U. S., for the purpose of recovering a number of horses stolen from the Bloods by the Assiniboiné Indians. As you are aware, the visit was eminently successful, resulting not only in the recovery of Red Crow's horses but also in the making of a treaty of peace between the Bloods, Assiniboinés and Gros Ventres. The making of the treaty has undoubtedly been productive of good; horse stealing between the Bloods and the southern Indians appearing to have ceased entirely.

On the 2nd June, "K" Division, consisting of 65 officers and men and 50 horses arrived on the north side of the Old Man's River from Battleford.

On the 7th June, "K" Division left for Lethbridge to relieve "D," which was under orders for the Kootenay District.

On the 9th June the detachment of "E" under Inspector Wattam, was moved to the vicinity of the Blood Agency and patrolled the Blood Reserve night and day.

On the 11th June, 50 men of "D" Division moved out of Lethbridge and proceeded to Swift Current on special service; Inspector Howe, who was commanding "K" in the absence on leave of Superintendent MacDonell, taking over the barracks, stores, &c.

On the 12th June, two horses, the property of one George Gunn, of Red Deer, were recovered and handed over.

On the 18th June the Deputy Minister of the Interior arrived here and left next day for the Coochrane Rancho, from which place he proceeded to Pincher Creek, and after visiting several ranches left for Calgary.

On the 29th June Chief Red Crow came here with a number of minor chiefs to officially thank the police for the action they had taken in recovering his horses. He brought with him a Blood named "Star Child," whom he surrendered and charged with bringing stolen horses into Canada, at the same time handing over three ponies, said to have been taken from the Assiniboines. This Indian, after being in the guard room for a few days, was released by order of the Honorable Mr. Justice Macleod, as beyond his own confession there was no evidence against him. The ponies, a description of which was sent to the officer commanding Fort Assiniboine, Montana, are still in possession of the police. Another Blood Indian, "The Heel," also surrendered to answer a charge of having drawn a knife on a constable of "D" Division, but, owing to the departure of "D" Division to British Columbia, the evidence could not be produced, "The Heel" was released after a few days, confinement.

On the 5th July, having heard that 70 miners were to arrive at Lethbridge to work in the Galt mine, and from information previously received anticipating some trouble, I proceeded to that place, and, as reported to you, on the 12th July found it necessary to concentrate all the men I could for the protection of the North-Western Coal and Navigation Company's property, which was guarded by us for several days during a strike which terminated peacefully.

On the 15th July Inspector Wattam and the detachment of "E" left Lethbridge for Calgary.

On the 5th September I left the post at 2 p.m., with two officers and fifty-five men for the Blackfoot Crossing, at which place I arrived at 10 p.m. of the 6th September and reported to the Assistant Commissioner, co-operating with that officer in a search for a Blackfoot Indian named "Deerfoot," who had escaped from custody a few days before. The search being unsuccessful, I returned with my party to Macleod, arriving here on the 9th.

On the night of the 11th September, Sergeant Williams, of "H," with three men came upon "Big Rib" one of the Indians who escaped from the Sheriff on the 20th May last, and who in company with ten others was in the bush on the Blood Reserve.

Sergeant Williams succeeded in getting hold of "Big Rib," but was overpowered by the others, who rescued the prisoner. One of them, "Eagle Rib," has since been imprisoned with hard labor for three months for obstructing Sergeant Williams.

On the 28th September I proceeded to the Kootenay Lake to enquire into a complaint which had been made by Mr. Charles Miller, that his house had been broken into and robbed by Kootenay Indians.

On investigation I found that the only thing stolen from Mr. Miller was a loaf of bread, and that his house was not broken into, as he had gone out and left the door unlocked, and the Indian who took the bread quietly walked in and helped himself.

On the 29th October, a prairie fire was observed burning very fiercely to the south-west, and a party, under Sergeant Hetherington, was immediately sent out to endeavour to extinguish it. After fighting it for six hours in the face of a very strong wind Sergeant Hetherington and his men succeeded in driving the fire into the Kootenay River while Inspector Chalmers, who had taken out another party on the Stand Off Trail, cut it off near the Agency Crossing. Some portion of the fire must, however, have remained smouldering in the timber in the Kootenay bottom, for, on the evening of the 31st October, under the influence of a strong south-westerly wind it started afresh and appeared to be very rapidly approaching Macleod. Every available man was mounted. All the horse-blankets were made wet and placed in a waggon and accompanied by a large contingent of merchants and others from the

town, we proceeded to the fire and extending for some miles succeeded in putting it out completely.

This fire was started by a shooting party near Pincher Creek and was observed by the officer commanding the detachment there stationed, who sent out all his men to act in conjunction with the settlers to put out the fire, and also to apprehend the person who caused it. In the meantime the party which had let it go drove into the village, and one of them laid information before Captain Scobie, J.P., against their cook who, the same evening, was arraigned; he pleaded guilty, and was fined \$50. The fire destroyed the grass on a range some 68 miles long, and in some places, 15 miles wide, and, but for the vigorous action of the police, ably seconded by the settlers and ranchmen, would have caused incalculable damage had it gone any further east, as the valuable farms and buildings in the "slide out" and other bottoms leading to the Belly River would certainly have been destroyed.

During this month, the outposts of "H" and "K" Divisions were inspected by the Assistant Commissioner.

On the 5th November, the Deputy Superintendent-General of Indian Affairs arrived from Lethbridge, and went on to the Peigan Reserve, returning to Lethbridge the next day, being furnished by us with transport.

On the 7th November, having been informed that several Blood Indians, camped at the Lower Agency, had whiskey in their possession, and that one of their minor chiefs, "Calf Shirt," had brought it in from Montana, and had stated to his band that if the Police came to arrest him, he would defy them; and at the same time being informed that an Indian named "Good Rider" who had for sometime been suspected of killing cattle, had killed an animal on the Cochrane Ranche on the 4th November, evidence of which was obtainable, I determined to arrest both "Calf Shirt" and "Good Rider."

I wired Superintendent Macdonell to send an officer and twenty men to meet me at Stand Off at 6 a.m. on the morning of the 8th, and myself left here with a like number shortly after midnight of the 7th.

Inspector Howe, with the detachment from "K," met me at Stand Off exactly at 6 a.m. and we then proceeded to the Lower Agency, where "Calf Shirt" and five other Indians who were required as witnesses to testify as to "Calf Shirt's" possession of the whiskey were arrested. We then proceeded to the "Upper Camp," where we arrested "Good Rider."

"Calf Shirt" was sentenced to one month's hard labor for having liquor in his possession, and "Good Rider," having pleaded guilty to the charge of cattle-killing, was sentenced by the Honorable Mr. Justice Macleod to imprisonment with hard labor for one year.

These arrests have had a very good effect on the Bloods, and I do not think that any of them will talk of defying the police for some time to come. The escape of "The Dog" and "Big Rib" from the Sheriff and the subsequent rescue of the latter from Sergt. Williams led the young men of the tribe to believe that they could, to use a Western expression, "get away" with the Police; but the sudden descent upon the camp of "Calf Shirt," who is their war chief, and his arrest, followed up as it was by the capture within an hour, at a distance of ten miles, of "Good Rider," has, I think, caused them to change their minds.

#### OUTPOSTS.

During the past summer reserves have been surveyed and staked out at Stand Off, on the ground now occupied; at St. Mary's, opposite the present location. A reserve for the Kootenay Detachment was selected in the Big Bend of the Belly River, about 15 miles west of the Cochrane Ranche. A quarter section for the Peigan Detachment has been reserved on the north side of the Peigan Reserve. At Pincher Creek the quarter section on which the Police buildings are situated is reserved; also a quarter section at the mouth of the Crow's Nest Pass.

The surveys were made by Mr. Miles, D.L.S., and maps showing the different locations have been already forwarded to you.

Frame buildings and stables should be erected at Stand Off, St. Mary's, Peigan Reserve and Big Bend, the buildings now in occupation at the three first named places being simply logshacks with mud roofs which expose the men to much discomfort during wet weather, and are besides unhealthy and unsafe to store provisions and forage in. The buildings at Pincher Creek are in fair order. Those at the "Crow's Nest" were put up this summer by the detachment, and are built of logs, with the usual mud roof; they are very well built, and, if shingled early in the spring, will be very comfortable.

Stations should also be built for the detachments from Lethbridge at Kipp's Coulee, Milk River Ridge, Writing on the Stones Coulee, Pen d'Oreille Coulee, and at some point to be selected midway between the latter place and the western detachment of "A" Division, the distance between the two places (50 miles) being too great. By your direction a quantity of hay has been distributed in stacks between Lethbridge and Pen-d'Oreille, so that, should occasion demand, the patrol, which was withdrawn when the winter set in, can move.

In order to keep up communications with Lethbridge and to better watch the eastern end of the Blood Reserve, a detachment of "K" Division has been established at Kipp, midway between here and Lethbridge. Men from this detachment patrol to Stand Off and old Fort Hamilton (Whoop-up).

#### BUILDINGS.

The buildings at Lethbridge are being plastered, painted and added to under the supervision of Mr. B. O. Kenway, of the Public Works Department. A new stable and an addition to the Quartermaster's stores have been built, but a hospital, orderly office, and a recreation room, as also a fence around the barracks, are much needed.

At Macleod, brick chimneys have been constructed in nearly all the buildings, save the officers' quarters, thus materially lessening the danger from fire.

As previously reported, all the buildings at this post require clapboarding, and I cannot too strongly recommend that the wire fence now surrounding the barracks be removed and a picket fence substituted therefor.

#### ARMS.

The arms are in serviceable order in both "H" and "K" Divisions.

#### TARGET PRACTICE.

The annual practice is not yet completed, owing to the number of men on detachment from both Divisions and the prevalence of extremely high winds throughout the district.

#### FIRE PROTECTION.

Tanks are much required at this post and Lethbridge. The fire engine sent here by the Public Works Department is a very good one, but the suction hose being only fourteen feet in length it cannot be used with the well.

#### HORSES.

The horses of both divisions are in very good order considering the heavy work that they have had to perform on patrol during the past year. I have not yet received a mileage return from Lethbridge, but that of "H" Division shows that the 106 horses in that division have travelled 85,739 miles since 1st December last. Forty-six are on herd at Pincher Creek and are doing very well; they are brought up daily and fed a few oats.

## AMMUNITION WAGGONS.

These have not yet been furnished.

## INDIAN POLICE.

The Indians engaged by your order on the 1st June last as special constables worked fairly well, being able to assist us in many ways in recovering horses and giving information as to movements on the reserves. At the present time I have only two employed, the others preferring to be idle through the winter on account of the pooriness of their horses.

## ASSISTANCE RENDERED TO CUSTOMS' OFFICER.

The detachments of "H" and "K" Divisions, acting under instruction from the local customs officers, made several seizures during the past year, and the detachment at St. Mary's especially has intercepted many parties bringing in horses and cattle from Montana and escorted them to the collector of Customs here.

## MORMON SETTLERS.

Since June last between 20 and 30 families of Mormons have settled upon Lee's Creek, about 50 miles south-west of here. They have so far conformed to our laws and appear to be a very pushing and industrious people.

## EQUIPMENT.

Numnahs are urgently required for both divisions. All other stores to complete or replace are estimated for.

I enclose herewith the annual sick report for this post and Lethbridge, and also forward Superintendent Macdonell's annual report.

I have the honor to be, Sir,

Your obedient servant,

P. R. NEALE,  
*Superintendent, Commanding Macleod District.*



## APPENDIX F.

## ANNUAL REPORT OF SUPERINTENDENT STEELE.

KOOTENAY, B.C., 1st December, 1897.

SIR,—I have the honour to submit this my report for the year ending 30th November, 1887.

The division was stationed in the Macleod District until 12th June, the district being under the command of Supt. Neale.

The headquarters of "D" Division were at Macleod until the 7th January, when they were transferred to Lethbridge, which is situated in the eastern half of the district.

The strength of the division at that time was 4 officers, 15 non-commissioned officers, and 86 constables, distributed as follows:—

At Macleod, 2 officers, 8 non-commissioned officers, and 48 constables.

At Lethbridge, 2 officers, 7 non-commissioned officers, and 38 constables.

I took over immediate command of the Lethbridge post on the 8th January. It was reinforced from time to time from the detachment at Macleod, until the whole of the division had left Macleod.

During the winter and spring the division was employed in the usual routine and other police duties, such as patrolling, recovering stolen stock, &c. A patrol was kept in the town of Lethbridge both night and day.

The opening of spring, when doubtful characters and restless Indians could roam the plains, necessitated constant watchfulness and a great deal of hard riding. The men were frequently called upon to ride very long distances, the work being of such a severe nature, that the horses required very great attention to keep them in a condition for a continuance of the work.

Every complaint made by settlers or others was attended to forthwith. Americans were constantly obliged to obtain police aid to recover stolen stock, and every one who applied received assistance, and in all cases they went away quite satisfied with the promptness with which the police performed the duty.

On the 10th May, I received orders by telegraph to hold myself in readiness to proceed to British Columbia, with 2 officers, and 75 non-com. officers and constables, and to relieve the furthest outposts to save time.

I selected the men for British Columbia, and sent out the relief to Pen d'oreille Coulee and Writing Stone, leaving the other detachments until the arrival of "K" Division, which was shortly to relieve me.

On the 8th June, Inspector Huot reported for duty with the division, and on the 9th "K" Division, under the command, temporarily, of Inspector Howe, arrived on the left bank of the Belly River, and commenced to cross. Later on I received a telegram ordering me to send 50 men to Calgary by rail. As "K" Division was then crossing, and their horses just come from a long trip, I sent forty men, mounted, belonging to "D" Division, and ten of "K" Division across the river, and to save time took 7 "K" Division waggons, which had not yet crossed, with picked teams from both divisions, as transport for the ammunition, rations, and kits of the party.

Inspector Howe, in accordance with your instruction was placed in command, Inspector Wilson to join him *en route* as he passed Kipp. Subsequently orders were received for me to take command and leave Inspector Howe in command at Lethbridge, but just as I had proceeded to carry out the order, it became necessary to direct me to re-cross the river with the party, and march to Medicine Hat by trail.

I moved the party down to the bank of the river, but it had become too dark to cross that night, as the river was running with a current of at least 6 miles an hour and very deep.

The current was so strong that a new good wire cable which was used for the ferry boat had been broken a few day before and the boat swept away.

On the same afternoon, Inspector Bradley had by my orders gone out to relieve the outposts on Milk River Ridge and Kipp's Coulée, reinforce the posts at Pen d'oreille Coulée and Writing Stone, and take charge at Pen d'oreille Coulée until further orders. Inspector Likely to take charge of the whole of the posts, and locate himself on Milk River Ridge.

My party re-crossed the river on the next day, and entrained at 8.30, which considering the river, was as good work of the kind as I have seen in the west. Inspector Wood and Huot were in charge of the party while crossing, as there were numerous duties which kept me hard at work in the post until they were across.

The party left at 10 p. m. the time agreed upon, but before going the whole of the citizens came to see us off, and presented the division with an address which alluded to the satisfactory relations which existed between the citizens and the Police, and the thorough manner in which the Police duties had been performed.

The party arrived at Swift Current on the 13th June, and went into camp. On the 14th I reported to you at the train, and received my instructions, all of which were carried out, and a report of the circumstances made to headquarters.

A detachment of "C" Division under Sergeant Alexander was stationed at Swift Current, waiting for some recruits for Battleford, and were attached to "D" Division during their stay.

On the 16th as arranged Sergeant Sinclair and 8 constables, with 10 saddle horses, arrived from Lethbridge, and were taken on the strength.

On the 21st at 5 p.m. I received orders from you by wire to report at Regina, I took the train at once and arrived at 2 a. m. on the 22nd. I remained at Regina on duty until the 24th when I left for Swift Current, and immediately wired Inspector Wood to send on all the men required to make our strength up to 75, as far as Dunmore, to wait our arrival there, and to come on himself, if he had completed the work of handing over the Division Stores as ordered, but if not to follow as soon as possible.

I obtained a special as soon as possible, but owing to the scarcity of cars, I could not leave until Sunday the 26th at 1 p. m. The detachment from Lethbridge joined at Dunmore as ordered.

The train stopped at Calgary until the horses were fed, and the men had dinner.

Three remounts were taken on here from "E" Division and I transferred to "E," as per your orders horses Nos. 663, 1286, 1322.

The Division arrived at Golden, British Columbia, at 10.30 a. m. on the 28th and went into camp on the left bank of the Kicking Horse River, the camp being connected with town by a wooden bridge.

On the following day you arrived and the division was inspected dismounted.

Inspector Wood and the late Sergeant Major Lake arrived, having completed handing over the stores at Lethbridge to the officer commanding "K" Division.

Assistant Surgeon Aylen arrived on the 2nd July to take medical charge of the division.

The Assistant Commissioner, who had been in the Kootenay district, arrived on the steamer "Duchess" on the morning of the 5th with Dr. Powell, sen., and A. W. Vowell, Esq., and directed me to start for Kootenay on the following morning. The steamer was loaded during the day, and a counter order received directing me to remain at Golden until further orders, I caused the ammunition to be unloaded.

On the morning of the 7th, at an early hour, the Division Sergeant Major Lake shot himself in his tent while suffering from a severe attack of neuralgia.

The steamer started for Columbia Lakes and it was reported to me that she was not properly trimmed, and had a great deal of bilge water which should have been pumped up before leaving. I was informed shortly afterwards that she had capsized.

near Lang's Landing and that most of the light stores were floating down the river. I sent men under an officer to endeavor to save some of it. They were thus employed for several days, and succeeded in saving a great deal, but almost everything recovered had been rendered useless by the water. A carload of oats and all the officers' uniforms and many other valuable articles belonging to them were destroyed. I sent some volunteers to assist Mr. Armstrong to raise his boat, but up to the time of leaving nothing had been done.

I engaged a small steamer belonging to J. C. Hayes, a merchant in Golden, to freight stores for the division to the Columbia Lakes, at the usual rates of freight, viz., one dollar per hundred. Mr. Armstrong had agreed to do it for seventy-five cents per hundred, but there now being no competition I could not make such terms with Hayes. I sent two men to the lakes, to take charge of the stores as they were delivered.

During the remainder of our stay I employed the men and teams in hauling stores to the landing, getting the new saddles put together and oiled, branding and numbering the remounts and various other duties.

On the evening of the 17th July I received your order to march, and on the following morning at 5.30 leaving Staff Sergeants Fane and Mercer, and 8 constables, most of whom were sick, moved off. The steamboat "Clive" taking some of the dismounted men, and the rations and forage for the trip. Each mounted man carried his dinner and forage for his horse. I arrived at the Hog Rancho at 5 p.m., expecting to find the steamer there as the distance was only 23 miles, but she did not appear until after 10 p.m., the men and horses being all this time without anything to eat. It appears that Hayes cupidity was too much for him, as he had waited for some passengers.

The division moved at 7 a.m. on the 21st, taking rations and forage for the whole day, as Hayes ability to reach the place named was doubtful, which proved to be correct, the evening halt was made near Roger's Landing, but no sign of the boat was seen until 8.30 the following morning.

Lewis' place was reached on the morning of the 22nd, the steamer for a wonder coming in a short time after.

The upper steamboat landing was reached early on the 23rd. I parted from the steamer then, and gave instructions to the master to bring up all the men except Staff Sergeant Fane, and one team and teamster, on the next trip.

I sent Inspector Wood back to Golden, as it was evident that unless an officer was there to look after Hayes, there would be little chance of getting any work done by the steamer "Clive."

Mr. R. Galbraith was at the steamboat landing, ready with his pack train to take our baggage and supplies to Kootenay, as previously arranged by the Assistant Commissioner, Col. Herchmer. I had no further trouble, Mr. Galbraith being prompt and business like, and his pack animals in first class condition.

The division reached the Six-Mile Creek, above Bummer's Flats on the 30th July, this place had been suggested as suitable for a permanent camp, but on examination which I made at once, accompanied by Assistant Surgeon Powell, medical officer of the division, and Inspector Huot, found it unsuitable for the following reasons:—The ground upon which the post would have to be built, was very uneven, the timber was very much too heavy for building purposes, the site was commanded by a piece of high ground on the left bank of the creek, a large marsh caused by the spreading of Four-Mile and Six-Mile Creeks as they passed through Bummer's Flat lay immediately below the site, and lastly the Six-Mile Creek, from which the water supply would have to be obtained, filtered through a couple of swamps a few miles up. The assistant surgeon condemned the site as unhealthy, and I was satisfied it would not suit.

I then examined the country along Four-Mile Creek, but could find no suitable spot, and the next day accompanied by Inspector Huot, rode to Mr. Fenwick's lower rancho, where it was reported a good site existed. Mr. Fenwick kindly accompanied us. I found the place unsuitable, being a flat surrounded by high hills, a great deal

of swamp on the opposite side of the Kootenay and there being no waggon road for 10 miles was also a serious objection, so I returned and asked Mr. R. Galbraith if I might look over his land for a suitable place; he consented, and that evening I arranged with him to take 10 acres on the high ground near the confluence of the Kootenay River and Wild Horse Creek. This site is by far the best I have seen, although it has a few objections, but from a military point of view it is perfect, and it appears to be healthier than any of the others, the water is excellent, feed not far distant, it is almost inaccessible on two sides, commands the trails to Tobacco Plains, the Mayea and Columbia Lakes, and is the most central point from which to commune with the Indians, and protect the settlers in the event of an uprising.

I moved the division into camp here on Sunday, 31st July, and on the following day told off parties to cut logs for the storehouse, arranged for a mail system for the summer between the Upper (Sam's) Steamboat Landing and here. I also purchased a pack train, consisting of 24 good ponies and 3 mules, which, with equipment complete and in excellent order, I obtained at a much lower figure than they are generally sold here. The proprietor of the train had previously spoken to the Assistant Commissioner on the subject and he had requested me to look at them.

On the 3rd August, the "Duchess" started for her first trip since being raised, Inspector Wood and the non-commissioned officers and constables left at Golden came up on the steamer, and Constable Fisher and team came by trail. Inspector Wood and Staff Sergeant Fane were required to return to Golden for a time, the remainder arrived here on the 11th.

As soon as possible I communicated with Chief Isadore as described under the head "Indians," and with favorable results.

The advent of the Police caused confidence to take the place of the alarm which had been felt during the winter and early spring.

The Indians soon began to visit the camp out of curiosity, and were more civil to the whites than formerly.

From the 1st August to this date, all members of the division have been diligently employed in various duties, such as patrols, couriers, preparing quarters, receiving and forwarding freight, packing, freighting, and taking charge of stores at the unfortunately too numerous landings.

#### PATROLS IN MACLEOD DISTRICT, N. W. T.

The first detachments for patrol duty were posted on the 22nd March, the great depth of snow having made it impossible to send them out earlier.

On that late Corporal O'Brien was posted at the lower crossing of the St. Mary's, and Corporal Hayne at the 15 Mile Lake, each with four constables.

From the 22nd March until the 8th April, patrolling was kept up between Lethbridge, Fifteen-Mile Lake, the St. Mary's and Stand Off, where detachments of "H" Division were stationed.

This system answered the purpose very well, until the snow had melted further east, and necessitated a connection with the outposts of "A" Division, which the great depth of snow had prevented from being posted as early as those in the Macleod District.

During the last week in March, I was directed by Superintendent Neale to go out and select points for the detachments along the boundary line, and started on the 28th March. I went south, across Kipp's Coulee, to the Milk River Ridge, and from there, *via* Writing Stone to Pend'oreille Coulee, both places I found suitable for detachments, as they are situated in places where the river may be forded easily when the water is very high, and the banks being accessible are much used by travellers and law-breakers in crossing the boundary. Between these two points there are sixteen very high and steep banks or soft spots, which make a crossing very difficult. I moved out to Badwater Lake, and found that a detachment at Pen d'oreille Coulee could easily communicate with any post situated west or south of the Cypress Hills. I then passed around the east

side of Badwater Lake, to the Seven Persons Coulee, and camped one night near the Bull's Head. I returned to Lethbridge on the 3rd April, by the old trail from Walsh to Macleod, and on the following day went up to Fort Macleod and reported the result of my observations to the commanding officer.

During my trip I saw around Pen-d'oreille Coulee traces of a large band of cattle, which had been there during the greater part of the previous summer, and saw about one hundred head which had wintered in the vicinity.

Superintendent Neale approved of my suggestions and directed me to send out detachments on my return to Lethbridge, and remove the detachments at the St. Mary's and Fifteen-Mile Lake.

On the 8th April I sent Inspector Wood in charge of the men to be posted for patrol duty, and in accordance with my instructions he posted two constables at Kipp's Coulee as a connecting link between Milk River Ridge and Lethbridge, one sergeant and six constables at Milk River Ridge, one sergeant and six constables at Writing Stone, and the same number at Pen-d'oreille Coulee. The detachments at the St. Mary's and Fifteen-Mile Lake were relieved at the same time, and were utilized to make up number required for the other detachments.

During the time the division remained in the district, constant patrolling, night and day, was kept up between the detachments, the eastern outpost of "H" Division communicating with my post at Milk River Ridge, which patrolled to Writing Stone, and Writing Stone to Pen-d'oreille, which patrolled as far as No. 2 Post of "A" Division, situated near the south-west point of the Cypress Hills.

The whole of the detachments sent out patrols to the southward during each day, and men with field glasses, situated on high hills, but concealed as much as possible, viewed the country in every direction.

Constant communication was kept up between the outposts and Lethbridge.

The outposts performed their duties in a most satisfactory manner. The few complaints made against them proved to be unfounded. No suspicious characters, smugglers, horse-thieves, or other criminals succeeded in crossing the boundary undiscovered; all Indians who attempted it were, with very few exceptions, caught in the act, and compelled to give an account of themselves. The non-commissioned officer in charge of each outpost, sent in weekly a list and description of all whites and Indians passing and repassing, together with that of all horses, vehicles, &c., in their possession.

As soon as the outposts were established, the cattle seen by me at Pen-d'oreille Coulee were seized, and a report made to Mr. Champness, the Customs' officer at Lethbridge. It was ascertained that the cattle had been driven in from Montana, and that no duty had been paid. The owner, named Spencer, had a small hut on Milk River, several miles east of Pen-d'oreille Coulee, but on the north side of the international boundary. He stated to the patrols that he intended to apply for a lease there, but no doubt he had no such intention, and was simply endeavoring to graze his cattle where not so likely to be observed. I have been since informed that "A" Division patrols seized another herd belonging to the same individual.

On the 28th April, I received at Macleod a telegram from Superintendent McIlree, stating that Staff Sergeant Spicer and party were fired upon by Indians near the Cypress Hills, and that the Indians had escaped. I wired to Inspector Likely at Lethbridge to warn the outposts and send Sergeant-Major Lake with 35 men to patrol between Lethbridge and the Milk River Ridge, as it was expected that the Indians would avoid arriving by Lethbridge and keep towards Kipp's Coulee. I returned to Lethbridge on the same afternoon, and at once sent a patrol to work between the mouth of the Little Bow River and Lethbridge, and went out myself with a small party to the east and south-east. The outposts sent patrols to the northward, as far as Elkhorn Coulee.

At the time I received the telegram, Superintendent McIlree was not certain where the outrage had been committed, I was, therefore, under the impression that it had occurred south or south-west of the Cypress Hills, and, consequently, the

patrolling was done principally over the large tract of country lying between Milk River and the old trail to Walsh.

On the 3rd May, Sergeant Mongean, with part of Sergeant Major Lake's party, patrolling east of the Fifteen-Mile Lake, captured four Indians, *en route* west to the Blood Reserve, and Sergeant Major Lake discovered the trail of some more who had passed through to the reserve on the previous night, which was very dark and wet, making it quite an easy matter for men to pass through patrols, scattered over such a large tract of country.

I telegraphed Superintendent Neale and Superintendent McIlree reporting the result to both, and requesting the latter to send Staff Sergeant Spicer to Lethbridge and Macleod to see if he could recognize the Indians. He arrived on the 8th, but could not do so.

On receipt of my telegram to that effect, Superintendent Neale directed Inspector Sanders to examine the Blood Reserve, he did so, and after a good deal of trouble succeeded in finding and arresting two of the Indians, viz., the Dog and Big Rib. They had in their possession some horses belonging to Watson, of Medicine Hat. Watson appeared against them and Mr. Justice Macleod sentenced them to a term in penitentiary. They, no doubt, belonged to the party said to have fired on Staff Sergeant Spicer and his patrol.

On the 17th, I telegraphed to Lethbridge directing that an escort, of a sergeant and 12 rank and file, be sent up as far as Kipp to meet and relieve an escort of the same strength from "H" Division, and take over from them the prisoners "Dog" and "Big Rib" *en route* to the penitentiary, Stony Mountain, Mr. Sheriff Campbell in charge. My orders, although clear were misunderstood, the escort instead of going to Kipp went to Kipp's Coulée, the "H" Division escort having to take the prisoners to Lethbridge.

On Friday, the 20th May, I received a telegram from Mr. Sheriff Campbell, dated from Dunmore informing me of the escape from him of the "Dog" and "Big Rib" with shackles on. I at once sent out to the eastward a corporal and a party with orders to patrol south of the railway, but not far from it, and to proceed as far as Seven Persons Coulée. The same day Inspector Huot and 10 men of "H" Division patrolled in the same direction. Both parties returned without success, no Indians were seen. I received information shortly afterwards that they had concealed themselves in a coal car on the railway, got off at Chin Coulée, and lying concealed in a hole there all day, borrowed a couple of horses, and rode to the Blood Reserve. I informed Superintendent Neale at once, and warned the patrols on the boundary.

A telegram from you dated the 20th May, directed me to hold myself in readiness to proceed with my division to Kootenay District, B.C. I sent out a party the following morning to relieve the outposts at Pen-d'Oreille Coulée and Writing Stone, these places being so far distant that the reliefs could not be delayed without great inconvenience to the service.

"K" Division, under the temporary command of Inspector Howe, arrived on the 8th June, and were by me directed to relieve the detachments on outpost duty at Kipp's Coulée and Milk River Ridge.

#### PATROLLING AT SWIFT CURRENT.

While encamped at Swift Current in accordance with your instruction patrols were sent north towards Saskatchewan Crossing, and south towards Fish Lake, the former place is distant from Swift Current 25 miles, and the latter about 20 miles, nothing was seen.

On the 13th June, it was reported that some railway men, had seen a large party of armed half breeds near Gull Lake. I sent a patrol at once and obtained the information that there were only 5 or 6 lodges of poor people who were collecting buffalo bones for sale. I understand that some persons at Swift Current had started alarming rumors of a half-breed and Indian rising, and some of them appeared to believe

that such was imminent, but careful personal investigation, proved to me that neither half-breeds nor Indians thought of such a thing. As to the half-breeds their only anxiety seemed to be with reference to the means of obtaining a living next winter as the buffalo bone collecting was becoming difficult and freighting to Battleford was not as brisk as in former years owing to the failure of crops in 1886.

I found two families of half-breeds in a starving condition. One consisted of a widow with 7 children, and the other of a woman with a large family, her husband away freighting and no food to be had.

I relieved them and reported the circumstance to you.

#### PATROLLING IN BRITISH COLUMBIA.

Patrolling in Kootenay District, although it may be necessary, is not so much so as in the North West. The country is of a rugged nature, and there are only two practicable routes to the United States, one is by the Moyea Pass, between the Purcell and Selkirk Ranges to Sand Point, on the Northern Pacific Railway, the other is the trail to Walla Walla, it crosses the boundary 60 miles south of this place. A trail forking off from it leads through the Crows Nest Pass to Fort Macleod. These trails are only practicable for pack horses.

There is only one trail leading north, it is practicable for waggons from here to Canal Flat, it then becomes a pack trail to Geary's at the foot of the Upper Columbia Lake, from thence there is a waggon road to Macaulay's Landing, 90 miles north of here. The pack trail, crosses and recrosses the waggon road to that point, and continues on to Golden.

At intervals during the summer patrols and other parties have visited Tobacco Plains, the Moyea Pass, Old Camp, Colonel Baker's, the Mission, Chief Isadore's, and many other points. Couriers, packers and teamsters have been constantly on the trail between here and Macaulay's Landing, Sam's Landing, Windemere and several trips to Golden have been made. These duties have been performed satisfactorily.

I enclose herewith a list of the number of miles travelled by the horses of the division during the year. (Not printed.)

#### AMERICAN TROOPS.

From spring until the 4th September 35 men of the 5th United States Infantry were stationed on Tobacco Plains, six miles south of the boundary, and 68 from here, Lieutenant Kennedy, 5th Infantry, in command. I am informed that this detachment had a very good effect upon the Indians in that section.

I was in constant communication with Lieutenant Kennedy during his stay in that part of the country.

#### CRIME, NORTH-WEST TERRITORIES.

During the winter there was very little crime in the portion of the Macleod District occupied by my division. On the 17th January, two Blood Indians named respectively "Shoots Well" and "The Bee," were arrested and brought before me for forcibly stealing and taking away a shawl, the property of Isabella Bouchette of Lethbridge. I committed them for trial at the next court to be holden at Macleod.

On the 14th January, some ranchmen reported to me that while riding the range they saw a few lodges of Indians near the mouth of the Big Bow, and that they were under the impression that as the Indians were not likely to receive rations down there, they must be killing and living upon cattle belonging to the white settlers. I sent out next day Interpreter Potts and four of the constables as scouts, with orders to examine the whole country as far as the mouth of the Big Bow River, and some distance down the South Saskatchewan, both sides, and the valley of the river to be scouted; all Indians were to be questioned as to their business there, the lodges entered, any traces of dead stock to be noted, and if any were found near or

in an Indian lodge, that the occupants were to be arrested and brought back to Lethbridge.

The party carried out my instructions thoroughly, with the result that they found no traces of cattle killing. There were several lodges of Indians along the Belly River and at the mouth of the Big Bow, but they were living on antelope meat, as many as 110 antelope heads were counted at the lodges of the Indians at the mouth of the Big Bow. I am satisfied that no cattle killing was done in that section of the country. There was no necessity for it, antelope being very plentiful, and the winter being an exceptionally severe one, a number of cattle died in the snow drifts along Belly River and were generally eaten by the Indians, who being of a very restless disposition prefer living in that way to receiving their rations at the agency.

On the 11th April, two men came in to Lethbridge from Sweet Grass Hills, Montana, and reported that while camped there they had five ponies stolen from them by Blood Indians, and had followed the trail to the Canadian side of the boundary. I sent Corporal O'Brien and a party to the Blood Reserve early on the morning of the 12th, accompanied by the Montana men. The horses were recovered on the reserve, but as they were not in the possession of any particular Indian, and the other Indians "knew nothing about it," the thieves were not taken. The patrols on the boundary had seen the Indians pass, and taken note of the horses but as they had no interpreter they could not ascertain the names of the Indians.

J. M. Christopher came from Montana on the 22nd April, and reported two horses stolen south of the boundary line by the Bloods. I sent Corporal Hayne and party to recover the horses. Only one was found, and the Indian who had it in possession, drew a knife and endeavored to prevent the recovery of the horse—he was backed up by a large number of others and it was necessary for Corporal Hayne to obtain assistance from Sergeant Brymner at Stand Off, before the horse could be taken away. Corporal Hayne did not arrest the Indians offending, he having quite misunderstood my instructions with regard to the matter. He returned that night with the recovered horses, and laid an information against the Indians who resisted him. I sent Sergeant Jones out at 11 o'clock that night, with a party of ten men to lie near the reserve until dawn and then steal into camp and effect the capture. Sergeant Jones examined the whole camp but could not find the Indians wanted. It was ascertained afterwards that an Indian saw the party crossing the Belly River near Whoop-up, and saddling a horse, galloped as fast as he could to the reserve, and warned the Indians, who immediately started for the United States.

A man named Peck came in from Montana on the 1st April, and reported that five horses were stolen from him by Blood Indians, south of the boundary line. I sent Sergeants Robinson and Mongean with two parties to recover the horses, the former went to the Blood Reserve and the latter proceeded to the St. Mary's, where some horses were reported to have been left by some Indians. Sergeant Robinson recovered the horses, but the Indians could not be identified.

On the 16th April I sent Corporal Hayne to the Blood Reserve to look for horses supposed to be stolen from the Medicine Hat Rancho Co. Most of the horses were subsequently found grazing on the reserve, they had doubtless been stolen by the Indians, but as usual they had turned them loose.

Friday, 6th May. three Bloods, named respectively Wolf, Bird and Piegan, were arrested in the valley below Lethbridge for being drunk and disorderly. They were brought before me and Inspector Likely, J.P., the next day, and sentenced to one month's imprisonment with hard labor. It was impossible for us to find out the names or descriptions of the parties who sold them the liquor; it was found that one of the squaws had obtained it for them, but she could not be induced to tell where she got it, her statement being that she had found it in the bush.

During the year, several saloon and restaurant keepers in Lethbridge were brought before me, for having liquor illegally in their possession, and a few before Inspector Likely, J.P. Returns of these cases will be made to you by the officer commanding the division stationed at Lethbridge, from the crime book of that post.

On the 28th May, two American deserters from Fort Shaw, Montana, arrived at



Lethbridge and handed over to the Police a buggy and span of horses which they had obtained from a livery stable keeper at Sun River Crossing, Montana. I was not in barracks at the time, and as it was not suspected that the property had been stolen, the deserters were allowed to depart.

On the 30th May I received a telegram from the Sheriff at Sun River, requesting me to detain the men as the property had been stolen. I caused them to be arrested. One of the men turned out to be a civilian, who was employed as post tailor at Fort Shaw. The sheriff and owner of the horses arrived next day, and a hearing was given. Mr. Justice Macleod dismissed the charge against the accused, and the property was given up to the owner. It appears the horses were hired ostensibly to take the men to Benton, but were not used for that purpose.

A man named Jeffery, who had been cook in the Macleod Hotel, Macleod, was arrested on the night of the 15th July, for attempting to commit suicide. I held an investigation, which resulted in showing that the prisoner had not attempted to commit suicide. He was examined by Dr. Newburn, and proved to have been drinking heavily before coming to town, and was still suffering from the effects of his prolonged spree. I therefore detained him for a few days, and discharged him.

#### CRIME, KOOTENAY DISTRICT, B. C.

There has been very little crime in Kootenay District since the arrival of this division. As already reported, I was directed to take over Kapla, an Indian, who had been arrested by Provincial Commissioner Anderson, last spring, on suspicion of having murdered two miners, named Kemp and Hylton, but who had been taken from the lock-up by Chief Isadore of the Kootenay tribe, assisted by a considerable number of his men. On arrival in the district of Assistant Commissioner Herchmer, North-West Mounted Police, A. W. Vowell, Stipendiary Magistrate, Gold Commissioner, and Dr. Powell, Senior Indian Commissioner, B.C., who were appointed by the Government as commissioners to enquire into the causes of the trouble in this district, Chief Isadore promised to hand the prisoners over to the North-West Mounted Police on their arrival. I arrived with the division on the 1st August, and on the 20th Isadore visited the camp and was directed by me to hand over Kapla and another Indian named Isadore, who was also suspected of being an accomplice of Kapla's. The chief handed them over to Provincial Commissioner Anderson by my directions, the lock-up at the old camp being safer than one of our tents. I went up to Wild Horse Camp on the 25th August, and caused the Indians to be brought before me, read the charge and remanded them for eight days, until Commissioner Anderson could produce the witnesses for the prosecution. I then concluded that it would be better to keep the prisoners at our own camp, and caused them to be removed there forthwith. The prisoners were brought before me again on the 2nd September, and some witnesses examined. Commissioner Anderson then asked for another remand of three days, which was granted. On the 1st September, two Indian boys, named Eneas and Baptiste, who were supposed to have been with the prisoners at the time of the murder, were arrested and kept in close confinement without being permitted to see any one. On the 5th September, the accused were again brought before me, and after a careful examination of the witnesses, were discharged. There was no evidence of any consequence, the only evidence showing that they had passed along the trail some days after the white men.

The accused in their statement merely said they were not guilty. The boys who were said to have been with them, denied all knowledge of the affair, and showed that they had been elsewhere at the time of the murder.

In connection with the above, I am of opinion that this murder case ought to have been attended to immediately after the occurrence. It does not seem strange that the murder was committed on the trail between here and the Canadian Pacific Railway, especially as it was at that time travelled by bad characters, either making for the railway which was then under construction, and proved a fruitful field for gamblers, whiskey peddlars, and every class of criminal let loose upon Canada by the

completion of numerous lines of railway in the United States, or escaping from justice in Canada. But it seems very strange, that in a country full of Justices of the Peace, that two respectable miners, with a considerable sum of money in their possession, were murdered, and no steps taken to hold an inquest at the time, bury the remains of the poor fellows, or bring the murderers to justice. It is often difficult to bring criminals to justice when the case is taken up at once, how much more difficult must it be to do so, when the affair is allowed to rest for three years. I feel certain that if Kapla and Isadore committed the crime, evidence could have been obtained at the time to convict them. Now, the Indians are aware of the effort made, and have effectually screened the accused. However, it is possible that the murder was committed by whites passing along the trail, the miners were camped near it, and with the usual simplicity of that class, may have stated how much money they had, or it may have been generally known and thus excited the cupidity of some of the many bad characters constantly moving along the trail in either direction.

I will endeavor during the winter to obtain some clue. I have been constantly endeavoring to do so, but without success.

Chief Isadore, on the occasion of the departure of Father Fouquet for another field of labor, came to the Police camp with him and requested him to read the following petition to me.

"KOOTENAY, B.C., 4th November, 1887.

"GENTLEMEN,—Before leaving, I address you a few words in behalf of the Indians agreeably to the wishes of Chief Isadore, who gave for reason of his wish, the confidence he had in you.

"During the thirteen years I have resided here, I have always found the Kootenays anxious to live on good terms with the whites. It has been always my personal opinion that although a brave and cool race, they would not go to war unless forced into it.

"The first few years I was here, there had not been a case of drunkenness, and only four or five cases of light drinking known amongst the Kootenays. Not one case of robbery of any importance was heard of. But since the buffalo hunting has ceased, the Indians here have mixed more with Chinamen and whites, and since the authority of the chiefs have been lessened by various causes, the last four or five years there has been too many cases of drunkenness and gambling heard of, and some with shooting and fighting; half-breeds, whitemen and Chinamen have been gambling with the Indians or supplying them with liquor.

"It is my personal opinion that the missionaries having no influence over these unscrupulous whitemen, half-breeds and Chinamen, will not be able to stop their evils, unless the Government checks these whitemen or Chinamen, and compels the Indians to say from whom they got the liquor.

"I have the honor to be, Gentlemen,

"Your obedient servant,

"L. FOUQUET.

"To the officer of the North West Mounted Police,

"Kootenay, B.C."

I replied that I was gratified to hear the chief was anxious to have such irregularities prevented and that the Police were anxious to prevent them, but that it was necessary for the headmen to report any Indian who was drunk, for no matter how complete a supervision we had, the scattered situation of the tribe prevented us from seeing as much of it as the headmen. I advised them to avoid those crimes, and told them that in the event of any Indian being found drunk, he would be severely punished, and the full benefit of the law meted out to the parties who supplied them with the liquor.

From what I can learn drunkenness is not at all common among the Kootenays, occasionally one of them gets hold of some liquor, but as a rule the whites are afraid to supply them, as they are so apt to expose themselves to people who would proceed against the seller.

#### INDIANS, MACLEOD DISTRICT, N.W.T.

The Indians in the portion of the Macleod District, in which this division was stationed are the Bloods and Piegans, of the Blackfoot nation. They are on separate reserves. The Bloods are of a more restless nature than the Piegans, and less law abiding. The young men and many of the middle aged ones, are never so well pleased as when roaming about the country, when they are, and justly, looked upon with suspicion by the settlers. These Indians keep us in constant watchfulness. During the portion of the summer I spent in that district, Americans were constantly complaining of the depredations of the young men of the band. A constant supervision had to be exercised over them, and although there were 200 men in the district, it was found that even that number were not sufficient. It would appear that three divisions would be little enough. The craftiness of these people makes it difficult to watch their movements.

From my experience of the Bloods, I am of opinion that it is necessary to keep a firm hand upon them, their constant attempts, sometimes successful, to go into the United States for the purpose of stealing horses from both whites and Indians makes it necessary that the superintendents in the Force should have the powers of commissioners of police, and the North-West Acts should make these powers sufficiently great to enable the officer in possession of them to inflict a severe punishment upon horse thieves, and other criminals.

There are frequent instances of horses being stolen by the Indians from a long distance in the United States and Canada, and summary justice is required to save the owners of the stock from the often great expense and inconvenience of coming back to prosecute if a committal is made, and besides a summary punishment would have a greater effect upon the Indians than if the criminals had to remain in jail for weeks, or perhaps months, awaiting trial. The country is so large and settling up so fast that it is impossible for the judges of the Supreme Court to decide upon every case, which may turn up, between the usual sittings of the District Court.

The Piegan Indians are, as before mentioned, much quieter and law abiding than the Bloods. During the past spring and summer very few complaints were made against them.

During the stay of the division in Macleod District, Mr. Pocklington, the Indian Agent there, gave the police very valuable assistance when it was necessary for them to visit the reserves on duty.

#### INDIANS, KOOTENAY, B. C.

The Indians in this district are the Kootenays (Upper and Lower,) and Shuswaps.

The Upper Kootenays have their reservation on the north side of the St. Mary's River and at Tobacco Plains. The Lower Kootenays are on the Lower Kootenay River near the Kootenay Lake.

The Shuswaps have their reservation at the Columbia Lakes. The Upper Kootenays and Shuswaps are horse Indians, the Lower Kootenays canoe Indians.

During last winter the whites of this district were thrown into a state of alarm by the action of Isadore, head chief of the Upper Kootenays, in forcibly releasing from gaol an Indian named Kapla, who had been arrested a short time before by Provincial Commissioner Anderson.

This action of Isadore showed the whites, that although the Indians had up to that time abstained from any hostility, they did not do so through fear of consequences. It was evident to all that the whites had been here on sufferance. A

meeting of the white settlers was held, the situation discussed and the decision arrived at that Provincial Commissioner Anderson and the Honorable F. W. Alymer were to leave the country temporarily.

Mr. Anderson had been Commissioner of the district for some years; Mr. Alymer had been working at his profession as a surveyor and civil engineer. It appears that Isadore was under the impression that Mr. Alymer had been taking up land all over the country, and the chief pretended that he thought no land would be left for the Indians. No doubt this was a very lame excuse, as the chief well knew that he and his tribe had a reserve, which had previous to this time been laid off by Mr. O'Reilly, a Commissioner appointed by the Government for that purpose.

The action of the white settlers in directing Mr. Alymer and Commissioner Anderson to leave the country no doubt gave the Indians a greater opinion of their powers and caused many to be very independent in their bearing towards the whites, and commit some petty offences which they would never have done if the whites had simply remained at their work and shown no signs of fear.

With a few exceptions the whites here are afraid of the Indians as a body. The scattered nature of the settlements leaves them completely at the mercy of the Indians if hostile. But the Shuswaps, and many of the Kootenays, are too well off to provoke trouble, knowing, as many of them do, what the consequences would be. But many of the young men of these tribes have no property, and are ready at any time to take advantage of the absence of legal power. They, as much as most young Indians, require to be dealt with firmly and taught to respect the law. But this they cannot possibly be taught while only half civilized if that power is represented by one constable, who is obliged to call into requisition the services of the settlers, who desire to live on peaceable terms with the Indians, and therefore object to being called upon as special constables whenever it is necessary to make an arrest. An Indian cannot understand the employment of special constables; it seems strange to him that settlers who are earning a livelihood by the same means as he, can be brought to arrest him for any offence, and until he is more civilized it would appear that the district should have four or five constables, to make arrests when required.

Shortly after I arrived here, Chief Isadore came to see me, and stated that he was informed by whites and Chinamen, that the Police came here with hostile intentions towards the Indians. I informed him that such was not the case, that I came here to maintain law and order, both whites and Indians were all the same to us, and would be fairly treated, but that any breach of the law, would be severely dealt with, no matter who the offender might be. I told the chief to pay no attention to any statements made to him by anyone, if they were to the effect that hostility towards the Indians was the feeling of the Police.

Before going he promised to inform me if anyone attempted to stir up trouble between the whites and Indians.

On the 22nd September, three Commissioners, viz., Hon. Mr. Vernon, Dr. Powell, Indian Commissioner, and Mr. O'Reilly, came to the district to make an inspection of the Indian reserves, and allot to them some more land if necessary. The Indians at this time were away at Sand Point, on the Northern Pacific Railway, and the Commissioners were unable to meet them, which was unfortunate, the Indians being well aware that such arrangements are usually made at a Council.

The Commissioners on leaving wrote requesting me to read their decision to Isadore and the Kootenays on their return from Sand Point. I met Isadore on the 5th November, the first opportunity which had offered, and asked him to meet me on Monday the 7th with as many of his Indians as possible. He came on Monday with a number of his headmen, and a few others, explaining that the remainder were at the fall hunt.

I read the proclamation and informed them that the arrangement made by the Commissioners was irrevocable and that the quantity of land given to them, was all that they required. The chief objected to giving up the land belonging to Colonel Baker, which he said he had occupied years before any whites came. I replied that it must be given up on receipt of the value of the improvements as arranged by the

Commissioners. He then said, that, of course, he had to obey their decision and requested that an irrigating ditch be dug for his own land.

I reported the result of the interview to the Commissioners through Dr. Powell, sen., Indian Commissioner.\*

The Indians have a very good feeling towards the division. The behavior of the men towards them has won their respect.

The chief of the Shuswap Indians is Matheas, a very good Indian, industrious and well disposed.

The Indians here are more industrious and moral than any in the North-West, except perhaps the Mountain Stonies.

All immoral conduct if detected, is punished summarily by flogging.

I beg to state that it is my opinion from careful observation, that if the waggon road is completed, a competent magistrate, and half-a-dozen selected constables appointed, men who will firmly and impartially do their duty, the district can do without any other force.

The completion of the waggon road by next autumn will enable troops to move in, if any sign of discontent is shown among the Indians.

In addition to the waggon road, a telegraph line would be a great advantage; one of the constables being employed as operator here.

It would no doubt be unadvisable to take the Police out of the district before their influence has been sufficiently felt; such action might cause the Indians to think the Police were either afraid, or unable to maintain themselves, so far from supplies, and they would become saucier than ever. But a stay of 12 months will have paved the way for a less expensive maintenance of law and order.

#### BARRACKS, LETHBRIDGE, N. W. T.

The barracks at Lethbridge were commenced last autumn, under the supervision of Mr. Henderson, Clerk of Works, Public Works Department.

The division moved into them on the 21st January, and although owing to the severity of the weather, the plastering could not be done, the other work had been performed so well, that the rooms were quite comfortable.

The stables under construction were for only forty horses, which made it necessary for me to utilize the old stable obtained from the North-West Coal and Navigation Co., which contained 37 horses.

During the winter an ice house was built by the men at a very small cost. A corral for the hay was constructed by the division carpenter, in time for the stacking of the hay required.

The buildings occupied by the division while at Macleod, were not to be compared with those at Lethbridge, being of less substantial workmanship, and much colder even with lath and plaster, than those at Lethbridge without.

#### BARRACKS, KOOTENAY, B. C.

On the arrival of the Division here, I detailed all available men to get out timber for quarters, which are now occupied and completed. They are constructed of logs of yellow pine, partly hewn, sheeted and floored with common lumber, and roofed with shakes (an unshaved shingle 3 feet in length).

The buildings consist of a barrack building for the men, containing two large rooms, separated by a passage and large enough to contain the whole division without crowding.

A stable for 75 horses, with saddle and harness room, under the same roof; hospital 40 by 25; quarters for the officers, 25 by 50; guard room, cells, casualty

\* Note.—(The arrangements have since been completed satisfactorily.)

store and orderly room in one building, 25 by 50; sergeants mess room, kitchen and staff-sergeant's quarters in one building, 25 by 50; quartermaster's store, 60 by 25; shoeing smiths' and carpenters' and saddlers' shops 40 by 25. The buildings are nine feet to the eaves, with a roof of a quarter pitch.

The work of erecting these quarters has been very hard, the timber is very heavy, and had to be hauled a considerable distance, about fourteen hundred logs of various sizes, some as much as 30 feet in length, and none under 20 feet, had to be cut, hauled, and rolled up. The non-commissioned officers and constables worked well; the quarters they have constructed are, without exception, the best log houses I have seen for years. In addition to the buildings a root house and latrines have been constructed on suitable situations.

The shakes used for the roof were in part split by the men, partly by others. Mr. Cowan who took the contract agreed to furnish them at less than half price, if some of the men were allowed to assist him. I permitted this, obtaining the shakes at almost one-third the price. The lumber is the only expensive material used which could not be avoided, owing to lack of competition.

I directed Assistant Surgeon Paré to examine the building; he reported them to be sufficiently well ventilated, and quite comfortable enough for winter quarters.

In the event of these quarters being vacated in the spring and still retained by the Department, I would suggest that the Provincial officer or some other responsible person, be placed in charge of them so that they may be ready for occupation if required.

#### SUPPLY, FREIGHTING, &C.

A sufficient quantity of beef, potatoes and fuel is obtained here, of good quality and at reasonable prices. Twenty-two thousand pounds of oats have been purchased from Colonel Baker. The hay is of poor quality, and costs from \$20 to \$25 per ton, as there is not enough of it the horses will have to remain on the range until the 1st January. The remainder of the supplies are sent from the east. The difficulty of getting a sufficient quantity delivered here is very great.

Shortly after the arrival of the division at Golden, the steamer "Duchess" navigating the Columbia from Golden, to Columbia Lakes (eighty miles) capsized with a load, the principal part of which belonged to the Force. Very little was recovered, and the boat lost 6 trips, which caused great inconvenience to the Police and public alike. The boat was raised after considerable delay and continued making frequent trips, about three in a fortnight, to Sam's Landing, Upper Columbia Lake. On the 20th August the water became low, and the boat was unable to come higher than Chaucey's, eight miles below Windemere.

Two other trips were made to that place, and then it was impossible for the boat to get higher than Spellumacheen, a point about 40 miles from Golden. As soon as the boat ceased to reach Sam's Landing it was necessary to employ small boats to bring the freight to there, and detail men of the division to each landing to take charge of and forward the freight by small boats to that place, from which it was necessary to hire freighters to freight it to Geary's store at the lower end of the upper lake, a distance of 16 miles from Geary's; the greater part of it was brought across the lake in small boats to Canal Flat, 16 miles, and the remainder was freighted by the pack train to the same place, both routes had to be used, as it was impossible to obtain enough of either class of freighters to enable me to use either one or the other exclusively.

From Canal Flat, four Police teams, the pack animals of the Force, and some teams belonging to Mr. Mather, brought the freight to Kootenay Camp.

Before the steamer ceased to run to Sam's Landing, Messrs. Galbraith Bros. and Mathers brought some of the freight through from the Landing to here, and for some time our pack train was employed in packing from the Landing to Canal Flat, where they met three of our teams, once a week, and loaded them up, the teams coming to this place, the packers returning for another load.

The whole of the supplies not yet here are at Geary's Landing and a couple of the men are in charge. There are still some 60 tons to come in, which will most certainly keep all the available transport busy until the 1st January.

The lakes having frozen up, the pack train will have to transport all the freight left at Geary's to Canal Flat, from whence our teams and two of Mr. Galbraith's will haul it to here. The difficulties to contend with to get supplies in cannot be over-rated. The whole transport of the district consists of four Police teams and waggons, and 6 or 7 belonging to settlers, and the Police pack train. Messrs. Galbraith's pack train was laid up for the winter. It did us good service in the early part of the season, but having been constantly at work for more than 6 months the mules and horses can do no more, the greater part of winter supplies for the settlement had to be brought in by them, as well as a large quantity for the Police.

The delay in the construction of the waggon road has caused this almost endless trouble. The road was commenced early in the spring. The manager was building it around the Upper Columbia Lake when some petty jealousies caused the stoppage of the work at the place for a time. One portion of the community wished the road on the west, the other on the east side, and with the natural result that they have it on neither side as yet. The manager during the stoppage of the work at the lake, continued constructing from the Lake to Mackay's. This part of the road has been of great use to us, in fact if it had not been built, I could not have got the supplies in this year.

The cost added to the freight owing to the late arrival of the supplies has been enormous, although the terms I have obtained are lower than formerly given to the settlers.

When the steamer plied to the Upper Landing, the rates were 75 cents per hundred, and from there Messrs. Galbraith and Mather's brought them to this place for \$2.50 per hundred, which is 50 cents less than the price to settlers and others. The Police waggons and pack train averaged 5,000 lbs. a week while employed.

As soon as the steamer ceased running to the Upper (Sam's) Landing, the small boats, working from here to the landing, had to be paid and the steamboat people charged the same rates as before.

The average rate is \$6 a hundred to this place, \$1 less than to the public, part of which is brought by the division transport.

The rates after the boat ceased running to the Upper Landing are as follows, viz.:—

Amount by steamboat to Spellumacheen,  $\frac{3}{4}$  cent per pound.

To Mackay's Landing, by small boats,  $1\frac{1}{4}$  cent per pound.

From Mackay's to Geary's, by waggons,  $1\frac{1}{4}$  cent per pound.

From Geary's, by small boats, to Canal Flat,  $\frac{1}{2}$  cent per pound.

From Canal Flat by hired teams to here, 2 cents per pound. Our own teams saving those rates on 5,000 pounds a week.

In the event of the division staying here another year, a sufficient quantity of beef, potatoes, hay and cordwood, and a far larger supply of oats than this year could be obtained.

#### DRILL.

During the past winter all ranks of the division went through a course of drill.

The officers were instructed in riding, sword, manual and firing exercises. The constables in riding drill, manual and firing exercises. Inspector Wattam was instructor, and it is but just to that officer to say that his system was so good, that although the weather was severe and the drills frequent, all ranks took a great interest in them, and when the course was completed reflected great credit upon their instructor.

I endeavored to give the division a course of musketry in May, but the necessity for constant patrols and other duties, compelled me to give it up.

During the stay of the division at Swift Current, all men not employed in patrolling were instructed twice daily in field movements, mounted, dismounted duty and extended order. Many of the horses were remounts, just purchased off the range, but they proved very tractable in a short time and performed their work very satisfactorily.

All ranks of the division are, with a few exceptions, well up in drill and equitation.

#### OFFICERS.

I beg to recommend to your favorable notice Inspectors Wood and Huot, and Assistant Surgeon Powell. Inspector Wood acted as Adjutant at Macleod post until the removal of the division to Lethbridge; had charge of the outposts and patrols last summer; forwarded supplies from Golden, and performed many other important duties to my entire satisfaction.

Inspector Huot joined the division in June, and has been most of his time at its headquarters; he has been of great service to me, both on the line of march, and in camp and quarters.

Assistant Surgeon Powell has been very attentive to the sick under his charge, and prompt to respond to any call for his services.

#### DISCIPLINE.

The discipline of the division, considering the varied circumstances under which it has been placed during the past year, has been on the whole satisfactory. Any offences have been, as a rule, committed by a few, who through some defect in temper, inexperience or bad habits contracted previous to their engagement, are liable to get into scrapes at any time.

The great majority of the division are as fine and respectable a body of men as any one could desire to command. They have strictly attended to the line of conduct laid down by me, with regard to their intercourse with both the white and Indian population. Not a single complaint has been made against any of them, nor have I ever heard anything other than gratifying to me.

The non-commissioned officers now serving have set an excellent example in everything, and used great tact in the necessary encouragement of the men.

#### DESERPTIONS.

On the 12th March three constables deserted from Lethbridge. As soon as the desertions were known to have taken place, I sent Inspector Wood, Sergeant Gordon, and seven (7) constables in pursuit towards Benton. This party divided, one keeping on the Benton trail, and the other towards the west end of Milk River Ridge. The party on the Benton trail found the horses at Kipp's coulée, but all traces of the deserters was there lost, although the country was well examined.

It turned out afterwards that the deserters, being recruits and knowing nothing of the country, mistook Kipp's Coulée for Milk River, and being afraid to cross, halted there, and their horses got away. They then started along the coulée, east, and left the saddles where they were afterwards found, continuing east until they were completely lost. They were next heard of in Fort Assiniboine, in a fearful plight. It was reported that one would die, that one would lose his feet and eyesight, and the third his feet and hands.

On the night of the 24th May, three constables deserted while patrolling. Inspector Lakely had just arrived, and he sent Corporal O'Brien in pursuit. The corporal got on the trail of the deserters, and followed it to the stopping place on the Marias River, Montana. They had reached there but a short time before him, and left the horses and saddles, arms, &c., in charge of the hotel-keeper.



Corporal O'Brien then returned to Writing Stone. No doubt the gold mining in the Sweet Grass Hills and the reports of high wages on railway construction in Montana induced these men to desert.

On the 20th March, Superintendent Neale telegraphed me from Macleod, stating that one of his own and three of my men had deserted on the previous evening. I sent Sergeants Roby and Allen with six men each to endeavor to head them off before their arrival at the lines. But the deserters had got too good a start and knew the country so well that it was impossible to do so. Inspector Sanders eventually recovered the horses, saddles and arms, which had been taken from them by some Piegan Indians.

These men were no doubt induced to go by a Constable of "H" Division and one of "D" Division. The former had been recently reduced from corporal for a breach of discipline, the latter was a very bad character and had been transferred from "C" to "D" Division the previous autumn while undergoing a term of imprisonment for insubordination.

One constable deserted from Golden while under sentence of imprisonment for being drunk and disorderly in camp, and another from this post on the 17th August, going down the Kootenay River to the United States in a boat.

Three constables deserted from this post on the 27th September. Inspector Huot sent Corporal Harrison and party to recover the Government property taken and if possible capture the deserters. Two boats belonging to Messrs. Clutterbuck and Lees, English tourists, were taken by the deserters. Corporal Harrison returned from the United States on the 2nd October; he recovered all the stolen property. It appears that the men expressed their regret for their foolish action and would have returned but were afraid of the punishment usually given for the offence.

Three men deserted in October, Sergeant Allen and party were sent in pursuit; all Government property was recovered, but the men had crossed the line, having pushed the horses very hard.

The above is the largest number I have known to desert. Several of them were no doubt enticed away by others, as in almost every case the men bitterly regretted their foolishness.

These desertions show the necessity for carrying out your recommendations of last year, that Canadian farmers' sons be preferred.

#### HARNESS AND SADDLERY.

The harness and saddlery on charge at this post, consists of five sets of heavy wheel from "K" and one from "E" Division, one light set of wheel, received this year from headquarters, and one set heavy lead harness. Fifty new and fifteen old, but good, double cinch saddles, 25 Spanish pack saddles, and the required number of saddle blankets and head collars.

The double cinch saddles are of the manufacture of Main & Winchester, and are excellent. The advantage of the double over the single cinch is very great, especially in a hilly country; the former will never cause sore backs, unless there is great carelessness on the part of the rider; the latter frequently does so, no matter how careful he may be. I would respectfully suggest that in future no single cinch saddles be purchased. The harness, excepting the light set of wheel, is old, but will answer the purpose for which it is required until next autumn. The pack saddles are in very good order. The stable halters supplied this year are first-class.

Before leaving the North-West, five sets of heavy wheel harness, and five sets of lead, one set of cart harness, and nineteen single cinch saddles, were properly packed, addressed and placed in store at Lethbridge, for transmission to Regina. One set of wheel harness was transferred to "K" Division, fifty single cinch saddles were boxed up, addressed to officer commanding "G" Division, and placed in charge of the officer commanding at Calgary.

## WAGGONS, &amp;c.

The vehicles on charge in this district consist of five heavy waggons, four received from "K" and one from "E" Division, and one double buckboard received from headquarters in September. These are all in fair order and have stood remarkably well the rough roads of this section, and a great deal of unavoidable rough usage.

On leaving Lethbridge, I transferred to "K" Division at that post, nine heavy waggons, one heavy spring waggon, and one double buckboard, all in first-class order.

I took over from that Division four heavy waggons in good order. This transfer was unavoidable, as it was necessary that I should march to Swift Current at once, and all my waggons being out at the relief of my outposts I was obliged to take the only waggons available at the time.

## HEALTH.

Mountain fever broke out in the Division about the first of August, and before it was finally subdued three of the best men in the Division, Regimental No. 1848, Constable Lazenby, Regimental No. 1788, Constable Mason, and Regimental No. 1789, Constable Fisher, succumbed to the disease.

Assistant Surgeon Powell was attacked by the fever on the 24th September, and fortunately, Dr. Powell senior, Indian Commissioner for British Columbia, was in the district and kindly volunteered his services to the Division. He remained until the 10th October, when Assistant Surgeon Paré having arrived from Calgary, reported for duty.

Dr. Powell's kindness and strict attention to the sick, is remembered with gratitude by all, especially as it was well known that he had urgent matters calling him elsewhere.

Dr. Paré worked very hard after his arrival, and completely subdued the disease. I beg respectfully to recommend him to your favorable notice; his energy, ability and kindness won the confidence and respect of all who came under his care.

As soon as Assistant Surgeon Powell became well enough to return to duty, I permitted Assistant Surgeon Paré to depart.

Further particulars to be found in Assistant Surgeon Powell's report herein enclosed.

## CLOTHING.

The clothing of this year is, on the whole, superior to that of last. The tunics, riding breeches, underclothing, overshirts, stockings, socks, ghilows, mitts, forage caps and watch coats are good. Riding breeches better cut and forage caps of a better shape than the previous issue. The mocassins are of poor quality, and the fatigue suits of too light material for the rough work required. The boots are better than formerly, being sewn, but the soles are not quite strong enough.

Should it be necessary to cease issuing buffalo coats to the Force, I would suggest that a coat be issued of the style called a pea jacket, such as has been and now is frequently worn by the officers and sergeants, but of the same material as that used in the manufacture of the blue cloth cloaks.

In 1884 the men employed in the mountains were permitted to purchase and wear pea jackets, furnished with the regulation brass button, it having been found that the buffalo coats were too clumsy for active work either mounted or dismounted; a pea jacket of the above description would, if worn with a muffler, be just as suitable for prairie work as the buffalo coat.

From careful observation and evidence taken by your orders last summer, it has been clearly shewn that the grey cloaks are not fit for our service, and the blue cloth cloaks previously issued are suited in every way, being more durable, impervious to rain, and far better in appearance than the grey.

## ARMS AND ACCOUTREMENTS.

Before leaving Lethbridge, 20 carbines and 12 Adams revolvers were placed in chests, and turned into store for transmission to Regina to be repaired.

The Winchester carbine has, after a fair trial, proved to be too weak for the rough usage which it must necessarily receive in a Force which, one may say, is constantly undergoing the rough work of a campaign.

If a horse falls, with the carbine on the saddle, or a man is thrown with it in his hand, it is generally broken, no less than four (4) in use in this Division have been broken during the past summer. On no occasion has the accident been caused by carelessness.

The accoutrements of the Division are in good order, the bandoliers have been a most satisfactory addition, and are of excellent workmanship.

The manner of wearing the pistol on the belt has always been found inconvenient especially when mounted, as a man has to bring his arm across the body to seize and draw it, I would suggest that it be worn on the right side with the butt to the rear. At present when the man attempts to draw while holding the reins he experiences great difficulty in reaching the pistol, unless it is hung further forward where it would be perhaps dangerous, as the muzzle would hang over the thigh just below the groin, in which position a premature discharge would, most likely, result in making the man a cripple for life. The men of the western plains of the United States, who are acknowledged to be the most expert pistol shots in the world, invariably wear it on the right side, with the butt at the rear, and the same custom is observed in the American Army.

In the inspection and drawing of pistols, on foot, I would suggest that the carbine be carried to the left side as at "the order" before drawing the pistol, instead of being placed between the knees—a position which was nearly a make-shift when inspecting a small guard, but becomes very painful when the party inspected is a large one.

## HORSES.

The horses of the division have stood their work very well. Twenty-one remounts were taken on the strength; five horses were cast and sold as being unfit for further service, and two as being too large and slow. The former were sold at Lethbridge; and brought fair prices, considering the locality. The latter were left with "K" Division to be exchanged for three remounts of the proper standard. Three horses which had become comparatively unfit to be brought here, we exchanged with "E" Division for three others while *en route* here.

The trip along the pack trail under a very hot sun, with clouds of dust, myriads of mosquitoes, very steep ascents, and unsuitable pasture, naturally made the horses fall off in condition. They did not fully recover until the mosquitoes left and the weather became cooler, but since that time they have changed very much for the better.

Owing to the scarcity and very poor quality of the hay it will be necessary to keep the horses on the range until January at the earliest. I was, earlier in the season, under the impression that sufficient quantities of hay could be obtained, but the great rainfall during haying and harvest time has very much reduced the quantity of hay put up.

There is a great deal of difficulty in herding animals here, as there is no open country of any extent; it is therefore necessary to allow them to run in the woods, where more careful watching is required.

## MEDALS.

I beg respectfully to draw your attention to the fact that there are several men in this division who are entitled to the medal for the late Rebellion, and are anxious that their services should thus be acknowledged. Some of them served as non-commissioned officers in corps of scouts who have already received their medals, and many others served side by side with the militia.

I have the honour to be, Sir,

Your obedient servant,

S. B. STEELE,  
*Superintendent Commanding "D" Division.*

## APPENDIX G.

## ANNUAL REPORT OF SUPERINTENDENT A. B. PERRY.

PRINCE ALBERT, 30th November, 1887.

SIR,—I have the honor to submit, for your information, my annual report for the current year.

Nothing of grave import has transpired in the district—the year has been marked by an almost entire absence of serious crime—the Indians have worked industriously and remained quietly on their reserve—the French half-breeds have become more settled and made considerable advance towards recovering the prosperous condition in which they were previous to the rebellion—the crops have been magnificent and suffered but little from early frosts; in fact, the condition of the people and the future prospects of the district are most satisfactory.

## INDIANS.

There are a large number of Indian reserves in this district. With the exception of the Sioux at Saskatoon, all are Crees, who have been settled on their reserves for many years, and consequently have become accustomed to their present life. They are peaceable and contented, working willingly, and rapidly becoming self-supporting.

One Arrow's band, of the Crees, is the only one but little advanced. This past summer, for the first time, they have worked very hard. The result of their labor is not very apparent, but next year, if a favorable season, they will have a large crop.

The Duck Lake Indians have worked well for the last two years. This year they have secured a large crop. At the annual exhibition held by the agricultural society of the district, these Indians secured the first prize for wheat.

Both the Duck Lake and One Arrow Indians were in the rebellion of 1885.

The Sioux were given a farm instructor this year, under whose direction they have made a creditable attempt at farming. They put in a large crop last spring, which was doing fairly, when it was destroyed by locusts in July. In addition, they have erected a number of houses, built a considerable amount of fencing, and cut and stocked a large quantity of hay. Rations have been issued them regularly by the Indian Department.

The good behavior of the Indian population of this district is worthy of note. Only one Indian, a Sioux, has been in our custody during the year; horse stealing is unknown; and there is not an instance of settlers being molested by them. They are not given to travelling about as much as in former years. Few have been permanently camped near the town, other than the small band of Sioux who earn their living here unassisted by the Government.

Last winter a severe outbreak of measles occurred among the Indians to the north about Green Lake and Isle la Crosse. Nearly every Indian family was attacked, and many cases proved fatal. Hunting and trapping ceased entirely, and for a time the Indians suffered, until relief could be sent to them. The Snake Plain Indians suffered from the disease also, to some extent. Successful efforts were made by the Hudson Bay Company's officers to prevent the spread of the disease eastward into the Cumberland District. A fresh outbreak this winter is to be feared.

## HALF-BREEDS.

The late rebellion naturally causes considerable interest in the French half-breeds which is manifested in the rumors and reports which are circulated as to their

movements. During the past year many false rumors have been credited and sensational statements appeared in the eastern press relative to them, generally without foundation and quite wide of the truth.

To understand the present position of the French half-breeds, it must be remembered that they occupy a peculiar position, being isolated from the mass of the inhabitants of the district by their religion, language, and descent. On the paternal side they claim the French Canadians; on the maternal the North-West Indians, thus they are endowed with the strong national and religious feeling of the former, and inherit all the suspicions and reserve of the latter. The settlers are English speaking, of a different religion, and the greater number unacquainted with the French tongue—an almost impassible barrier thus exists between them.

Is it to be wondered at that the French half-breed is restless and unsettled, that he looks with regret and longing on his old life which was one of freedom, plenty and ease, untrammelled by laws and remote from settlements.

Many of them removed from Manitoba here after the troubles of 1870 in order to shake themselves free of the new order of things. They find soon a recurrence of the same state of affairs. The district is settling up, and I believe many of them to-day, if possible, would withdraw again from the advancing settlement.

It must be remembered that within the last few years the half-breeds have been compelled to change their mode of obtaining a livelihood. Not long ago buffalo hunting and trading with the Indians afforded them a sure and easy method of living in luxury. As the buffalo disappeared they naturally turned to freighting. Supplies for the northern country and as far west as Edmonton came in to a large extent overland from Winnipeg, hundreds of miles distant. Freight was plentiful and prices high. The loss of the buffalo was not at the time severely felt. Freighting was second nature to them, and they did it wonderfully well. But with the advent of the railway into the territory the whole condition of things was changed. Freight which was hauled from Winnipeg in 1880 came from Brandon in 1881 and from Qu'Appelle, only 250 miles away, in 1882. In 1883 freight to and from Battleford and Edmonton ceased to pass over this route at all. With the railway came settlements along the line. Active competition for freight soon cropped up. The half-breeds then saw their means of living narrowing. All recognized that within a few years a branch railway into the district would cut it off entirely. As yet they had not seriously contemplated farming as a sole support. All had their small fields under cultivation, but only to furnish themselves with potatoes and a little coarse grain.

In 1884 the half-breeds were, comparatively speaking, prosperous, but were almost ruined by the rebellion. They had not even their little crop in 1885, and took but little of the freight offered. In 1886 the crops failed, so that in the spring of this year as a body they had grown despondent. The favorable season and magnificent crops of 1887 have greatly encouraged them. The results can be seen in the number of new houses erected, the repaired fences, old fields not under cultivation for some years ploughed ready for next season, and the amount of new "breaking" done.

The average under crop could have been much larger had not an unfortunate misunderstanding existed among them, as to the issue of seed grain. This was not known till the middle of May, when, through representations made to the Government, the conditions were so explained as to allay the fears of the half-breeds. The trouble arose through some half-breeds, who having accepted seed grain in Manitoba in 1874 and having been unable to repay it, stated that they had lost their farms, the mortgages given for the grain having been foreclosed. Before all were satisfied that these statements were incorrect the season was far advanced and precluded wheat from being sown. Several, however, took the coarse grains, oats and barley, and had good crops.

The French half-breeds are intelligent, lawabiding and energetic in work to which they have been accustomed. Farming they do not readily take to, and it will take some time before they can possibly become successful and experienced

farmers. In the meantime they must compete with the competent and experienced white settlers, so that their present position is not an enviable one.

Early in May last a communication was reported to have been received from some of the refugee half-breeds in Montana, U.S. It purported to warn the half-breeds that an invasion was imminent by American Indians, and that to protect their wives and families they should remove them to a place of safety. Much importance was attached to this, and some of the leading half-breeds requested that a strong force of police should be stationed at Batoche to protect them. They were satisfied shortly that such an invasion as they feared could hardly extend to this district, so remote from the boundary line. It is quite possible that the report circulated was the result of an authentic communication, the object of which is most apparent. The leaders of the refugees do not wish to allow themselves to be forgotten. They therefore write letters full of hints, dark meanings, and intentions purposely masked, which are calculated to excite the recipients. The distance of the refugees, the uncertainty of their position, and the possibility of assistance being rendered by American Indians, all give color to the matter. An excitement is created which is undesirable and is added to by the great prominence given to such reports in the eastern press.

Twice during the year reports of the foregoing nature have gained wide belief. They unquestionably do harm, which could be averted if it would be borne in mind that there is nothing to be feared in the district itself.

The undue prominence which the affairs of the half-breeds have been given in the eastern press and by politicians, has caused many to view themselves as of considerable importance. Their doings and sayings often came back to them through the press in a magnified form, to which they attach an enlarged and fictitious value. They do not rightly estimate the large amount of sympathy extended to them and fail to recognize that those loudest in proclaiming their wrongs would perhaps be the last to substantially aid them.

The vexed half-breed question will solve itself before long. The moment the railway reaches this fertile district, a rapid settlement will ensue, and the question thus be settled.

It may not be generally known that the French half-breeds do not consider that the liberal issue of scrip which they have already received, nor that any issue on the same basis, be it ever so generous, will extinguish their original title to the territories which they claim to have held in common with the Indians.

#### CRIME.

In the beginning of this report, I refer to the absence of crime in the district.

At Touchwood Hills, however, in the District of Assiniboia, a brutal murder was committed. The victim, Peter Smith, was residing about 20 miles north of Touchwood Agency, on the edge of the Salt Plains, and many miles distant from any habitation. He had been keeping a stopping-place during the winter, and was about leaving in the beginning of May, when he was murdered. His body was found by a freighter some days after the murder, in the vicinity of the house. The police were notified, who took charge of the body and asked for a coroner. The jury at the inquest returned a verdict of wilful murder against some person or persons unknown. As soon as information was received here, a party was sent out to assist the detachment at Touchwood, in the search after the murderer. Suspicion fastened on an Indian boy, who was traced from his reserve in Touchwood to a reserve near Broadview, where he was arrested. The evidence, however, brought against him was not sufficient to convict.

The perpetrator of a crime such as this murder can only be discovered through fortunate circumstances. The isolation of Smith's house, the fact of the murder not being discovered for several days, and the apparent absence of motive other than robbery, tends to favor the escape of the felon.

In September a false report was circulated of a murder at Green Lake, which, on investigation by us, proved to be untrue.

A glance at the return of cases tried in this district shows that all the offences are of a minor character.

#### PATROLS.

As far as possible, every portion of the district has been frequently patrolled. Last winter the Indian reserves were visited, which required watching. Early in the spring the patrols were increased. A party passed over the mail route from Batoche to Touchwood every week.

The detachment stationed at Touchwood watched the trail north as far as the Salt Plains, and visited the Touchwood Agency reserve weekly.

The Batoche detachment furnished a weekly patrol to every portion of the French half-breed settlement, and frequently sent a patrol as far south as Vermilion Lake on the Qu'Appelle trail.

The detachment stationed at Saskatoon visited the Sioux reserve, twenty miles south-west of that place, every week, with the result of producing an excellent effect on the Indians. This outpost also visited Clark's Crossing and surrounding portions of the country very frequently.

During the months of August and September the country along the South Saskatchewan, as far as Fish Creek, was patrolled by a strong detachment consisting of one officer and twenty men.

The winter patrols commenced this month, and will be kept up during the winter months.

From Prince Albert, a fortnightly patrol to Carrot River and Fort à la Corne, to Sturgeon Lake, Snake Plains, Markeg Lake and Carlton.

From Batoche a fortnightly patrol to Carlton, Fish Creek and St. Louis de Langevin; from Saskatoon weekly to Sioux Reserve and Clark's Crossing; monthly to Telegraph Coulee.

A glance at the map shows that this system ensures all the Indian reserves being visited and inhabited districts being patrolled.

The patrolling duty is important and of service in many ways. The police keep themselves posted in the general doings of the district, become accustomed to travelling, learn the topography of the country, and acquire much useful knowledge.

In addition to the work done by the patrols there is a large amount of travelling on duty of a special nature. Seldom a week passes but that one or two parties are despatched from this post. Parties are sent to Regina, Battleford, Saskatoon and other points not so distant, the round trip to the places named averaging from 200 miles to 550 miles.

Supplies have to be furnished to the different detachments. Until lately oats were sent from here to Batoche and Saskatoon. During the winter, communication with Saskatoon is most difficult as there is no winter trail. A party of 2 men was delayed last winter by storms and bad roads remaining out all night with the thermometer 50° below zero, without food, tent or firewood. They had started in the morning with the intention of reaching a stopping-place 18 miles distant.

The winter duty, however, in this district is not as severe as a few years ago.

A stopping-place can be reached every night and on the trail to the Railway Mail Stations are established at a day's drive apart.

Still the work of the Police the year round is not without its dangers and difficulties. As in former days, trips have to be made in all seasons, in all kinds of weather and without regard to the state of the roads.

Rivers have to be crossed when rendered very dangerous by running ice or high water. Such work is done willingly by the Police, which entitles them to no little credit.



## STRENGTH OF THE FORCE IN THE DISTRICT.

Although I believe this district has nothing to fear from its Indian population, still it will be necessary, for some time to come, to maintain a strong force of Police here. The danger which exists is altogether from the possible trouble which the Southern and Western Indians might give. An outbreak in that portion of the Territory would breed disquiet here and end, it is possible, in active co-operation if the troubles were prolonged, and a show of success rested at first with the rebels.

Every spring brings its imaginary Indian uprisings. To prevent alarm amongst the inhabitants a strong force must be in the district. Its presence tranquilizes the country, counteracts false rumors, and thus passively exerts a healthy influence in the development of the district.

Emigrants will avoid a district where there is not sufficient force to suppress the most dangerous combination of Indians which might occur.

The Mounted Police must therefore have the confidence of the public as an offensive and defensive force, if its full benefit is to be obtained. It does seem that, at times, this most important reason for the existence of the force is overlooked. If the North-West Territory had no Indian population, it would need no Mounted Police Force, for the necessary police duties, in the ordinary sense, would be carried at a much less cost, by a few men carefully chosen for that purpose.

The Mounted Police are therefore required to act in a dual capacity. On the one side they must be prepared for instant and unexpected war, which they must fight to a successful issue. On the other they are to cover a huge country sparsely settled, with a boundary line 700 miles in extent, and thus prevent crime. If crime be committed, the criminals must be apprehended forthwith.

The liquor traffic must be stopped, although the mass of the people appear to be against the law, and in spite of the fact, that a prohibitory liquor law is most difficult to enforce in any country, even when approved and instituted by the majority of the people. Witness the working of the Scott Act in the counties of the old provinces.

To fulfil the first requirement we must be trained and disciplined; when we fail in the second, too much time has been devoted to the first.

The state of the country has changed materially since the advent of the Police.

The Police in their dealings with the Indians in early years, had only their own safety to consider. They pursued the proper course, and dealt successfully with them, and in so doing rendered invaluable services to the people of Canada. Now the Police must consider the lives of the many unprotected women and children scattered throughout the country; they must consider the large investment in the cattle industry, and other things. Should they by any hasty action bring on the horrors of an Indian outbreak, they would indeed be guilty of an offence immeasurable in its gravity.

## QUARTERING OF THE DIVISION.

Last winter, different rented buildings were occupied in the eastern portion of the town. The horses were kept in temporary stables. Early in May the division was placed under canvas. As the material of the stables was required by the Public Works Department to be used in the erection of the new stables, the horses were sent on herd during the day, and at night were tied up to the lines.

The summer months were very unpleasant, being wet and cold. Daily showers made camp life most uncomfortable.

The wet and cold weather was most prejudicial to the health of the horses, a large percentage being taken sick with colds.

In August, although the new barracks were not completed it was thought necessary that the horses should be placed in the stables which were ready for occupation.

A few barrack rooms were finished so that it was possible to move. The new barracks were occupied on the 26th of August.

## NEW BARRACKS.

The new barracks at this place are situated on a commanding site south-west of the town and about one mile distant. The site appears to be most suitable. The drainage is excellent and a plentiful supply of water for the horses has been obtained.

The buildings have been erected by the Public Works Department, who placed Mr. H. J. Peters, an architect of large experience, in charge. Mr. Peters commenced operations in February last. Actual building was not commenced till May.

The buildings which are now occupied and almost completed, are :—

- Barrack building, 159x28.
- do with wing, 87x28.
- 2 Officers' quarters, 35x24.
- 2 extension kitchens, 20x21.
- 1 extension kitchen to No. 2 quarters.
- 1 guard room, 48x24.
- 1 Quarter Master's store, 60x30.
- 1 general store (erected of old material).
- 2 stables, 75x30.
- 2 wings to stables, 12x30.
- 1 Blacksmith shop, 24x24.
- 5 latrines.

Buildings commenced, but which require a large amount of work to complete :

- 1 Sergeant's mess, 50x26.
- 1 extension kitchen, 16x28.
- 1 sick stable, 50x28.
- 1 Artisan's workshop, 24x28.

The Barracks when completed will accommodate :

- 3 officers.
- 85 non commissioned officers and men.
- 64 horses.

In carrying out the work no contracts have been let, but the labor has been directly employed.

The buildings have been erected in a careful manner; the foundations are well built, and all the work is of a very thorough description. The system of construction is well adapted to this cold climate.

The material used is of good quality, and in the case of the lumber the best that could be obtained. Only a small portion of the lumber used was seasoned, the rest being this year's cutting. Consequently, no matter how close the joints and how careful the work, the heat kept up in the winter causes the wood to shrink, the joints to open and the doors to warp.

When all the buildings are completed the Prince Albert barracks will be found very comfortable, neat in appearance, and well suited for our purposes.

## TRAINING OF THE DIVISION.

A regular course of training was commenced in the spring and completed as far as possible by every man in the division. The Mounted Infantry regulations were closely adhered to.

A gun detachment was instructed and obtained a competent knowledge of their work.

With few exceptions, as will be seen by the target practice returns forwarded with this report, the Division completed its annual target practice with the Winchester carbine at the ordinary practice—eight ranges from 100 yards to 500 yards. Very good scores were made. The average for the division is 52½ per cent. A very decided improvement over the previous year is apparent. There are in the Division 10 good shots who would rank as first-class marksmen in the service.

In the mounted practice, advancing and retiring and firing dismounted at three ranges the scores made were fair. The tendency of all the men, however, was to sacrifice accuracy to quickness.

The revolver practice on foot at 20, 30 and 40 paces, was fair. With this arm much practice is needed and a larger number of rounds should be allowed for the annual practice.

The men also fired mounted with the revolver at dummies arranged much in the same manner as the heads and posts practice with the sword. Firing was done at the walk and at the gallop. This practice is a most valuable one, as it accustoms the men to judge the pace of the horse and aim accordingly, and the horses to the firing.

It is to be hoped that prizes and rewards will be given for good shooting, and that markmen's badges will be authorized.

I would like to point out that the training of a division is carried on with difficulty; parties are coming in and going out; men must be sent away before a certain course of instruction can be completed. These continual changes render any great degree of perfection in drill impossible.

#### EQUIPMENT.

The division is now well equipped in harness, saddlery and transport. Some additional buckboards are required, and two of the heavy waggons could be exchanged with advantage for the light half spring waggon. This waggon I consider the most serviceable one ever used in the force, and its adoption in place of a large number of the heavy waggons is most desirable.

The clothing, &c., supplied for issue is generally of good quality.

#### CONDUCT.

I am able to report this year a material decrease in the number of offences against discipline. There are 27 entries in the defaulters' sheets, against 49 last year. There have been only two serious cases, which merited severe punishment.

The total amount of fines imposed for the year is \$54.25.

As an indication of the conduct of the Division I would call your attention to the large number of men who are depositing their pay in the Government Savings Bank. A total sum of \$1,716 has been deposited, an increase of nearly \$800 over last year. There are 32 depositors, which gives an average deposit of \$55 for each.

One man only has deserted during the year. This man had been granted leave to visit the Eastern provinces, and did not return.

#### HEALTH.

There have been no serious cases in hospital during the year. The total number who have been in hospital is 16, and the average daily sick report, 3; the average number of men off duty, 4.

Forwarded with this report are the following returns:—Cases disposed of during the year. Return of target practice, (not printed). Ground plan of barracks.

I have the honour to be, Sir,

Your obedient servant,

A. BOWEN PERRY,  
*Superintendent Commanding "F" Division.*

## APPENDIX H.

## ANNUAL REPORT OF SUPERINTENDENT A. H. GRIESBACH.

N. W. M. POLICE, HEADQUARTERS "G" DIVISION,  
FORT SASKATCHEWAN, N.-W.T. 5th December, 1887.

SIR,—I have the honour to submit for your information my annual report for the year ended 30th November, 1887.

## INDIANS.

During the past year the Indians in my district have behaved extremely well. One reserve, that on the south side of the Saskatchewan, opposite Edmonton, has, owing to the chief and headmen and some other members of the band taking scrip and leaving the treaty, been broken up, and the rest of the band removed to the Stoney Plains, on the north side of the river, lying north-west of Edmonton.

In the north the Beaver Lake Indians, near Lac la Biche, were, so Inspector Piercy reports, much disappointed at not receiving treaty money this year. The payment of this band was stopped owing to their conduct during the rebellion.

So far as I have been able to ascertain, the Indians throughout my district have attended to their agricultural affairs with more industry than in previous years, and have been most attentive and respectful to their agents and instructors.

As to their crops, I am sorry to say that they were more or less injured by the early frost.

I have taken steps to carry out the instructions contained in the general order recently received, regarding Indians away from their reserves and infesting settlements for immoral and other purposes.

Generally the Indians are in a better condition and more contented than at any previous period.

## CRIMES.

During the past winter and early spring some cases of housebreaking and petty pilfering occurred, the perpetrators of which offences (Indians and half-breeds) were promptly arrested and dealt with according to law.

In August last it was reported to me that a murder had taken place at the Lesser Slave Lake. After communicating with you and receiving authority to incur the necessary expense, I despatched a party, consisting of two non-commissioned officers and one constable, to arrest the criminals. This they succeeded in doing, and the prisoners were committed by me, tried at the Supreme Court, and sentenced to six (6) years in the penitentiary. In connection with this arrest, I have to report that Sergeant Davidson, the non-commissioned officer in charge of the party, showed excellent judgment in carrying out his instructions. The experience gained by this non-commissioned officer, in an entirely new sphere of action (the main part of the trip being performed in boats), will, no doubt, in the future be valuable to the force.

Early in the spring (a detective having been sent to my district), I was enabled to locate and seize two illicit whiskey stills, and also to convict certain persons of selling liquor.

On the 24th December, 1886, Inspector Snyder also succeeded in finding and destroying an illicit still, but found no person in the vicinity.

On this head I may mention that the law, as it now stands, under the permit system, is not a success, and it is most desirable from many points of view, which I do not consider it is in my province to enter into, that some radical change should take place at an early date; possibly the introduction of a high license liquor law, with proper safeguards would now best meet the case, and would be, in my opinion, more conducive to morality, good order and a better carrying out of the law, than under the present system.

#### PATROLS.

During the past year, owing to my division being principally employed in enlarging and repairing the barracks at Fort Saskatchewan, not so much patrolling was done in my district, neither was it so much required as in the previous years, the southern part of my district having permanent parties stationed at Red Deer and Peace Hills, who are, when travelling is possible, constantly on the move.

Escorts were furnished, under Inspector Casey, to bring in the annuity money from Red Deer in September.

Indian Agent Lucas, of the Battle River agency, informed me that he did not require an escort; so after handing over to him the money for his agency, Inspector Casey, who had gone to Battle River, returned without attending the treaties.

The agent for the Edmonton district did not apply to me for an escort; so none was furnished.

Agent Mitchell, of the Victoria district, applied for and was furnished with an escort under Inspector Piercy. This party left on the 29th September, and returned on the 18th October, after being exposed to very inclement weather, snow and rain storms being very prevalent.

The mail has been constantly escorted by the detachment detailed for that purpose.

#### DRILL.

The division was put through a regular course of drill, early in the year, both mounted and on foot, the Edmonton detachment being brought in for this purpose.

This drill was carried on strictly in accordance with the regulations for mounted infantry, as per G.O. No. 22.

Target practice, mounted and dismounted, with both carbine and pistol, was also carried on, in accordance with the circular memorandum issued from headquarters.

#### ARMS.

The arms of the division are in fair order, but I have to remark that in my opinion the Winchester carbine is not suitable to the force, owing to the mechanism, which is too delicate and is constantly getting out of order, which in many cases necessitates the arms being sent to Regina. The sighting of many of the carbines is also defective, which prevents such a good average being shown in the target practice as would otherwise be the case.

The Enfield revolver, with which the whole of the Division is armed, appears to be a good, serviceable weapon.

#### SADDLERY.

The saddlery of the division is in good order, but good numnahs are much required; these should be of the same felt as used in the Imperial service. The Division is well supplied with saddlers' tools.

#### CLOTHING.

If it were possible that the whole of the clothing required for the Division could be delivered at one time, not later than the end of August in each year, it would not

only save money, but do away with a large amount of unnecessary work, and add to the comfort and contentment of the men.

#### DESERTIONS.

I am glad to say that no desertions have taken place from the division, during the past year.

#### HORSES.

The horses of the division are in good health. During the past year there was only one case of contagious disease, viz., glanders. The horse in question was promptly destroyed and every precaution taken to prevent the disease spreading.

One horse died from the effects of a fall through the ice in the Bow River, while on special duty.

Eight horses died from natural causes; some of these horses were employed during the rebellion, and were more or less injured at that time, from hard work and exposure. Owing to these causes, fifteen remounts (saddle horses) will be required early in the spring.

#### TRANSPORT.

The transport of the division is not so complete as it should be, four heavy waggons being still required. Three new ones were received a short time ago, known as the Minchin waggon, which, so far as I have had opportunity to judge, appears to be a good suitable and serviceable waggon.

#### FORAGE.

Oats have been furnished for the current year at a cheaper rate than ever before, and are of a good quality.

Hay is very fair, but owing to the dry season, was very scarce, and dearer than in former years; the enforcement of the hay dues also added to the price.

#### HARNESSES.

The harness of the division is generally in good condition, although some of it is not suitable for heavy work, and would not have been used for such work had heavy harness been available. It will be necessary to condemn two sets, and four sets of heavy harness are required to complete.

#### QUARTERS.

At Fort Saskatchewan great improvements have been made, the following buildings having been erected or rebuilt, viz. :—

Recreation and mess room, 50 by 25 feet.

Troop kitchen, 26 by 23 feet.

20 feet added to sergeants' quarters, now 50 by 18 feet.

Saddlers' shop and harness room, 28 by 18 feet.

Guard room and lavatory, 50 by 18 feet.

Store, 24 by 16 feet.

Carpenters' shop and oat store, 32 by 22 feet.

Sick stable, 40 by 16 feet.

The square has also been levelled, all buildings mudded and white washed. These improvements have added not only to the comfort of the men, but also to the appearance of the barracks.

I append herewith a plan of the barracks as they are now.

---

**DISCIPLINE.**

The conduct of the division during the past year has been excellent, very little crime being recorded against the old men of the division.

On the barrack improvements the men worked with a will, doing all in their power to assist me in making the necessary improvements.

Generally I have been well seconded by both officers, non-commissioned officers, and men in carrying out the various duties required in my district.

I have the honour to be, Sir,

Your obedient servant,

A. H. GREISBACH, *Sept.*  
*Commanding "G" Division.*

## APPENDIX I.

## ANNUAL REPORT OF SUPERINTENDENT A. R. MACDONELL, 1887.

LETHBRIDGE, 6th December, 1887.

SIR,—I have the honour to submit this, my annual report for the year ended 30th November, 1887.

During the winter of 1886–87 I was on leave in the east. Having previous to leaving handed over the command of the division to Inspector J. Howe, I cannot speak too highly of the very satisfactory manner in which this officer discharged his duties while in command. During the winter months he drilled the men thoroughly in the detail as laid down in the manual for mounted infantry.

The horses were exercised daily, and when not too cold mounted drill was carried on.

I may mention here that the various articles asked for in the last annual report, required to equip the division, have been supplied.

Superintendent Cotton being in command of the Battleford District, will, of course, report on the work performed in the district.

In accordance with your instructions I marched out from Battleford with "K" Division on the afternoon of the 18th May—destination, Macleod District, taking the trail previously passed over by "C" and "D" Division, viz., *via* Sounding Lake and the Marquis Crossing of the Red Deer River. The following is the marching-out state:—

	Number.
Officers .....	5
Non-commissioned officers and constables.....	62
Saddle horses.....	18
Team do .....	30
Heavy waggons.....	13
Light do .....	2

Two divisions having marched over the route so recently and reported on it, I will merely state that I found it to be a good trail, the feed good, the supply of water excellent and abundant.

As all the waggons were heavily loaded, and not having any spare horses, I made short marches for the first few days, gradually increasing.

I took wood at Battleford to do until I reached Sounding Lake, where I laid over one day (24th). The feed there being exceptionally good and plenty of water I thought it advisable to give the horses a rest. I here redistributed the loads according to the weights of the several teams.

Having taken in sufficient wood, I resumed the march on the morning of the 25th. Reaching the Red Deer Crossing at four p.m. of the 27th, crossing at once as the water was rising rapidly, and camped on the opposite side. Inspecting Superintendent W. M. Herchmer, had arrived at the crossing the previous evening. Inspected the Division and spoke very favorably of the men and condition of the horses.

I here found as I had previously been advised, a supply of rations and forage.

As you are aware the hill here is very difficult to climb, however, I got up in splendid style (doubling the teams), making the ascent in less than an hour after breaking camp. I reached the Blackfoot Crossing at 6:30 p. m. of the 29th.

The following morning I unloaded, taking all the waggons apart, using a small



boat I found there. The river was booming deep, the current very rapid; at 4 p. m., the Division was comfortably camped on the other side, the horses having swam over. Perfect discipline was maintained, consequently, everything went on like clock work, not a single hitch happening, all ranks worked with a will.

Broke camp the next morning. On Tuesday, 2nd June, arrived at the Old Man's River (opposite Macleod); the river was not fordable and there being no scow there, camped, reporting to the officer commanding Macleod district.

The conduct of all ranks was all that could be desired, men at all times prompt when assistance would be required in passing over creeks or other impediments. On the following day, the 3rd, the Division was inspected by Superintendent Neale.

The following is the marching in state :

Officers.....	5
Non-commissioned officers and constables.....	62
Saddle horses.....	18
Team do .....	29
do do "C" Division attached.....	3
Heavy waggons.....	13
Light do .....	2

On the 6th June, in accordance with instructions received from Superintendent Neale, I handed over to Veterinary Surgeon Riddell seven cast horses of "K" Division and two attached to "K" from "C" Division.

Receiving from Superintendent Neale fifteen horses (broken), from "E" Division five, and two remounts, making the total strength when leaving Macleod for Lethbridge, sixty-three horses. On the same date, I handed over the command of the Division to Inspector Howe, having obtained a short leave to attend to private business.

On the 7th, the division took the line of march for Lethbridge, camped opposite the town on the 9th, on the 11th the division moved into barracks at Lethbridge.

The marching in state was as follows :—

Officers.....	2
Non-commissioned officers and constables.....	61
Horses, "K" Division.....	62
" " "C" " attached.....	1
Heavy waggons.....	13
Light " .....	2

Previous to the departure of "D" Division, I took over from that Division nine heavy waggons, one spring waggon (only fit for use about post) and two backboards, one unserviceable; shortly after I handed over to "D" Division four heavy waggons, and later on transferred four heavy waggons to "H" Division as directed by you.

On the 11th, men of "K" Division left Lethbridge to relieve detachments that had been furnished by "D" Division along the frontier.

In all four detachments :—

At Kipp,	2 men, 2 horses.
" Milk River Ridge,	8 " 8 "
" Writing Stone,	8 " 8 "
" Pen-d'Oreille,	8 " 11 "

Two officers were stationed with these detachments.

I have much pleasure in reporting that all ranks performed their duties while on frontier service faithfully. All these detachments were inspected by the Assistant Commissioner, who on arriving at this post, spoke most favorably, both as to the appearance of the men and condition of the several camps.

July 6th, seventy miners arrived; having been brought in to replace a number that had been discharged.

Serious trouble being feared in consequence of these men insisting on the discharged men being re-engaged, by order of the officer commanding the district, I placed an officer's guard on the premises to protect those who were willing to work as well as the machinery in connection with the mines and railway shop. I may mention here that many of these strikers were hourly at the Orderly Room, doubtless anxious to find out what action the Police would take under certain circumstances.

However, I told them in unmistakable language what my action would be in the event of the slightest breach of peace.

This afternoon a prairie fire broke out a few miles south-east of the barracks; all available men turned out at once; they succeeded in putting it out. Thirty-one non-commissioned officers and men arrived from Macleod for duty at the mines.

On the 11th Inspector Wattam with 24 men of "E" Division arrived from Macleod at 6 p.m., and left on the 15th.

On the night of the 30th August I received a telegram from the officer commanding the district to send at once to join him, *en route* to Blackfoot Crossing, three non-commissioned officers and twenty-three constables. They left in the midst of a terrible rain storm.

They returned on the 12th September.

About noon of the 12th September, just after the contractor's men had left the corral where they had been stacking hay on the police contract, one of the stacks (56 tons) was discovered to be on fire. There were three stacks in at the time, about 170 tons. The space between the one on fire and the others, was not over twenty feet. The men turned out promptly and succeeded in confining the fire to the stack in which it originated. Considering the very poor appliances here for an emergency of this kind, they deserve a great deal of credit, for the manner in which they worked; at 2 p.m. the fire was completely extinguished. I left a strong guard at the place until daylight. Loss about fifty-six tons.

On the night of November the 7th, I received a telegram from the officer commanding the district, directing me to have a party consisting of one officer and twenty men to meet him at Stand Off and to arrange so that this party would join him at 6 a.m. sharp. I inspected the party at midnight sharp. They were well mounted and fully equipped; Inspector Howe then took command. The time of departure was well timed and the junction with the detachment of "H" Division made at the time named, thereby enabling Superintendent Neale to effect the important arrest that necessitated the calling out of so strong a party.

Inspector Howe on this as on all other occasions acquitted himself in a most creditable manner.

On the 29th November Milk River Ridge detachment (the other having been called in before), was brought into the Post. In accordance with instructions received, I have had distributed along the line of detachments seven tons of hay, I have also a small quantity of oats cached, so as to enable me to send out (weather permitting) patrolling parties. In connection with the regular patrol, men scouted daily in the vicinity of each detachment.

I find that the distance between Pen-d'Oreille detachment and the western out post of "A" Division is very trying both to men and horses (50 miles). I would recommence that next season a few men should be camped say about half way.

I strongly recommend that some sort of a felt hat should be adopted for prairie use.

#### BARRACK BUILDINGS.

A new stable has been erected, also an addition has been put to the Q. M. store.

The several additions and alterations now being done will add materially to the comfort of the men. A hospital, an orderly and recreation rooms are very much required.

A fence of some description is very much needed about the barracks, as it is almost impossible to keep cattle from collecting (particularly in cold weather) about the stable and hay corral.

---

**PROTECTION AGAINST FIRE.**

I cannot too strongly lay before you the urgent necessity of having a well sunk here.

**TARGET PRACTICE.**

The men of the Division have been put through a course of rifle practice, as far as circumstances and weather would permit. I am in hopes that the weather will permit my finishing the course.

**DESERTIONS.**

Reg No. 1826, Constable E. F. Robinson, deserted on the night of the 16th of August from this post, and was recaptured a few miles this side of the line by men from the Milk River Ridge detachment.

Reg. No. 1857, Constable C. C. Wilson, deserted on the 2nd October, while out exercising a Broncho.

Reg. No. 1525, Constable L. Flannery deserted on the 2nd October, while returning from Kipp Coulée Detachment, having been sent there on the previous day with a dispatch.

**TRANSPORT.**

There are at the present time :

14 heavy waggons,  
4 spring do  
3 buckboards

in the division, one of the spring waggons being only good for use around the post, and one buckboard is useless.

I shall require 4 new buckboards by the time the frontier work opens up in the spring.

**BARRACK ROOM FURNITURE.**

Suitable cots for use in barrack rooms, are very much required, they would add much to the comfort of the men and materially improve the appearance of the rooms.

**SADDLES AND HARNESS.**

I have at the present time 61 saddles on my books, one of which has been lost with a horse, the 60 remaining are in good condition. I shall require 5 more to complete my division.

The harness is in good condition, with the exception of the collars, which require renewing. I have a sufficient number of sets for the use of my division, with the exception of lead harness, of which I require two more sets.

**HORSES.**

The total strength of the horses in the division is 101 composed of 33 team and 68 saddle.

The horses are in good condition after the season's work ; a few may require to be cast during the coming year.

**ARMS.**

The division is fully equipped and they are in a serviceable condition.

**NUMNAHS.**

There are at the present time 61 numnahs in the division, and they are fast wearing out.

I have the honour to be, Sir,  
Your obedient servant,

A. R. MACDONELL,  
*Superintendent Commanding "K" Division.*

## APPENDIX J.

## ANNUAL REPORT OF SUPERINTENDENT E. W. JARVIS, 1887.

REGINA, 30th November, 1887.

SIR,—I have the honour to submit the following report on "B" Division for the year ending to-day.

The headquarters of the division was at Regina during the winter performing the usual routine of duties and fatigues, and attending occasional drills and rides under the supervision of the acting adjutant.

During January and February the weather was very cold and many of the men suffered severely from the want of buffalo or other warm winter coats.

I went out to Wood Mountain in the middle of March and inspected the detachment which had wintered there and at Willow Bunch, and in April Inspector McGibbon visited the detachments at Carlyle and Alameda; in all cases the results of the inspection were satisfactory.

On 13th May the division was ordered to march out, and on that day Inspector McGibbon started with the detachments for the Moose Mountain district. The next morning Inspector Drayner left with the headquarters of the division for Wood Mountain, and a sergeant with five constables started for Langenburg, a new outpost at the end of the track of the Manitoba and North-Western Railway. For several days in succession heavy rain and snow had fallen, the roads became very bad and several parties were delayed on the march. The horses also suffered a good deal on leaving their warm stables.

On the departure of the division I remained for some time at Regina in command of the post during your absence in the west.

## PATROLS.

Patrols were established in the Moose Mountain and Wood Mountain districts on the same routes and of about the same strength as last year, with the exception of the western patrol (which connects with "A" Division) which was extended fifteen miles further west, thus making the distance covered in these two districts about 350 miles from one end to the other. The division being so much under strength, this entailed very heavy work on both men and horses.

At Langenburg short local patrols were sent out each week, and once a month a party was sent up the Assiniboine River to visit Fort Pelly and the Indian reserves in that vicinity. This party sometimes returned by way of the York Colony and other settlements in that section of the country.

An outpost and store-camp was established sixty miles from Regina, on the trail to Wood Mountain. To this point oats and some of the supplies for the division were brought by freighters, and there transferred to our own teams, to be hauled seventy-five miles to Wood Mountain Post. But I suggest that in future this arrangement be discontinued and the supplies delivered at the post by the freighters, thus reserving police teams for work on the patrols.

All these patrols were kept up until the division re-assembled at Regina on the 20th of this month.

## INDIANS.

The following work has been done at the request of the Indian Department. At the end of April a sergeant and nine constables were sent to Buffalo Lake, north

of Moose Jaw, to intercept and turn back some Indians who were reported to have left Piapot's Reserve and to have gone in that direction.

Inspector McGibbon and his command while on the way to their outposts, were stopped at Carlyle to cause nine families of Indians who had left the reserve at Crooked Lakes to return there. All the trails near Moose Mountain were watched and both reserves on the mountain visited by Inspector McGibbon himself. Only one small party of Indians was found, and they turned out to be Sioux from the Oak Lake Reserve. After five days' search Inspector McGibbon re-assembled his men and marched south.

At the end of October I went to the boundary line crossing of Frenchman's Creek with an escort of twenty non-commissioned officers and constables, to receive from the United States authorities a band of fifty Cree Indians, and to take them to Swift Current. I waited until the 6th November, and as the Indians did not arrive I returned to Wood Mountain Post. I subsequently learned that a band of Crees is camped on Frenchman's Creek about twenty-five miles south of the boundary line, and that they intend to winter there.

A few Sioux Indians, from the neighbourhood of Moose Jaw, camped at Wood Mountain and at Willow Bunch at different times during the summer. They were quiet and gave no trouble whatever.

#### MURDER OF McLEISH.

A special report has been made to you on the work done at Crooked Lakes Reserve from 4th to 15th June by the party under my command while searching for the murderers of Hector McLeish. As none of the men of "B" Division were concerned there, I only refer to the matter and pass on to the part they took in the pursuit.

It was reported that the murderers had made their escape by way of Moose Mountain southerly and the whole of Inspector McGibbon's detachment were turned out to search that part of the country; while two special patrols from Wood Mountain under Inspector Drayner scoured the country along the boundary line as far as Deloraine, and one of these parties went south to the Turtle Mountain District, but without success. These patrols were re-called at the end of June.

#### INSPECTION OF THE DISTRICT.

I left Regina on the 19th June for Wood Mountain Post, and from there proceeded to Willow Bunch, Wood End, Boscurvis and Carlyle. I then went *via* Moosomin to Langenburg and returned by the way of Fort Qu'Appelle to Regina, where I arrived on 16th July, having travelled a total distance of 750 miles. On this trip I made odometer measurements of all distances travelled, thus determining the amount of ground covered by each patrol.

I made a careful inspection of the various detachments, and everything—with the exception of some deficiencies of kit—was very satisfactory. There were no complaints among the settlers against any of our men.

The district was visited, and the detachments inspected, by the Assistant Commissioner, who arrived at Wood Mountain on the 2nd October and started west on the 5th.

#### HORSES.

Veterinary Surgeon Riddell came to Wood Mountain at the end of June and selected from the band of the Home Land and Cattle Company forty horses for the use of the force. He inspected four horses belonging to settlers and finding them affected with glanders, ordered them to be destroyed. This was done by their owners.

The remainder of the Home Land and Cattle Company's horses were sold in Regina, and their band is practically broken up.

Several small bands of ponies were imported by traders and others, and paid duty at Wood Mountain Post.

#### CATTLE.

The severity of last winter, with the frequency of the storms, caused great loss among the cattle wintering at Wood Mountain.

#### BUILDINGS.

A frame building 50 feet by 18 feet has been erected at Wood Mountain for the use of the detachment wintering there. A log stable, 50 feet by 16 feet, has also been built. The buildings are located three hundred yards south-east of the old post, and on higher ground.

At Wood End camp the men of Inspector McGibbon's detachment put up two sod houses—one, 30 feet by 18 feet, for a barrack room, and a smaller one for officers' quarters. There was no expense to the Government, except for doors, windows and hardware.

#### TARGET PRACTICE.

Target practice with carbine and pistol was carried on at intervals during the summer, until everyone had gone through the course. A special report is being made on the Winchester carbine, so that its imperfections and unsuitability to police requirements need not be enlarged upon here.

#### HEALTH OF THE DIVISION.

The health of both men and horses was fairly good during the year, until the month of October, when an outbreak of typho-malarial fever occurred at Wood Mountain Post. The low marshy situation, and the rotten state of the old log buildings, conduced largely to this. The new location, as already mentioned, is higher and drier, and presumably more healthy. The old buildings should be destroyed forthwith. All the invalids are convalescent, with the exception of one constable, who is still in hospital here.

#### WINTER DETACHMENTS.

The following is a detail of non-commissioned officers, men and horses remaining on outpost duty for the coming winter:—

	N. C. O.	Constables.	Horses.	Remarks.
Wood Mountain .....	1	5	7	Also 2 special constables with 4 ponies.
Willow Bunch .....	1	3	4	
Carlyle .....	1	2	3	
Alameda .....		2	2	
Boscawis .....		2	2	
Coal Mine .....	1	1	2	Qu'Appelle Stat'n, Broad-view.
Langenburg .....	1	5	7	
C. P. R'y .....	1	1		

## SAVINGS BANK.

The amount deposited during the year reaches the gratifying total of \$3,209.

In conclusion I beg to make the following recommendations :—

A well is needed at the new Wood Mountain Post, both for convenience and health, but principally the latter; the creek water being much contaminated. A storehouse and blacksmith shop are also much wanted; the old ones have been patched up for this winter, but they will not serve another year. An expenditure of \$2,000 would make the post complete.

A hut and small stable should be built at Willow Bunch. Estimated cost, \$400.

A police post, with stable, should be built at Langenburg or Churchbridge; the latter place, to which the Manitoba and North-Western Railway will extend this year, is preferable. The estimated cost would be \$600.

The buildings at Wood End are well located, and though only of soda, they will last for some years. There is, however, no title to the land, and a quarter section, embracing the bend of the river as now occupied, should be reserved. There is good pasturage, wood and water here in plenty. I therefore beg to recommend that the south-west  $\frac{1}{4}$  of Section 15, Township 1, Range 8, west of 2nd Meridian, be taken as a reserve for police purposes, and as the country is beginning to be settled in this vicinity, this should be reserved at once.

In forwarding you the proceedings of a board of enquiry about the grey great-coats now in use, I suggested that an oil coat or "slicker" should be issued, the present coat offering very little protection against rain. I also beg to repeat my suggestion that a prairie suit, with proper and serviceable head-dress, be issued for use by men on patrol.

With regard to the issue of uniform, I would most strongly urge that issues of complete kit due, should be made only annually, or at most, semi-annually; and that men joining in the interim, should only receive sufficient clothing to last them until the next issue comes due. I also beg to recommend that the stable suit be made a part of the free issue.

I have the honour to be, Sir,

Your obedient servant,

E. W. JARVIS,

*Superintendent, Commanding "B" Division.*

The Commissioner  
North-West Mounted Police,  
Regina.

## APPENDIX K.

## ANNUAL REPORT OF INSPECTOR T. WATTAM, 1887.

NORTH-WEST MOUNTED POLICE,  
CALGARY, 1st December, 1887.

SIR,—I have the honour to forward the annual report of "E" Division for the year ended the 30th November, 1887, together with a return of cases tried at Calgary and Banff for the twelve months ended the 30th ult., and the estimates for the coming year. I beg to request that you will forward the same to the Commissioner.

Assistant Surgeon Paré has not yet completed his medical report for the past twelve months; when finished I will forward same.

I have the honour to be, Sir,  
Your obedient servant,

T. WATTAM,  
*Inspector, "E" Division.*

The Officer Commanding  
"E" Division, Calgary.

NORTH-WEST MOUNTED POLICE,  
CALGARY, 30th November, 1887.

SIR,—I have the honor to forward the annual report of "E" Division for the twelve months ended the 30th November, 1887.

As I have only been in temporary command of the division from the 21st of July last to the 3rd October in the absence of Superintendent Antrobus, who went on sick leave on the former, and Superintendent Gagnon, who took over command of the division on the latter date, the records of the official diary and reports left by Superintendent Antrobus will have to be my guide in compiling this report.

## PATROLS AND DETACHMENTS.

A great deal of patrol work has been done by the men of this division during the past year, the whole of this district having been thoroughly patrolled,—

South as far as Mosquito Creek and the Little Bow.  
North as far as Little Red Deer and the Rosebud Creek.  
West to the foot hills of the Rockies and Ghost River.  
East to Crowfoot Creek, Sand Hills and Blackfoot Reserve.

All settlements within the above boundaries have been thoroughly patrolled from April last up to the present time by the permanent detachments and parties from this post, duplicate copies of detachment and patrol reports being forwarded to headquarters for your information at the end of each month.

There are at present four permanent detachments stationed at the following places:—

Banff.—Inspector Constantine, 14 non-commissioned officers and men and 8 horses at Banff, 80 miles west of Calgary on the line of the Canadian Pacific Railway. This detachment also finds an outpost at the anthracite mines.



*Gleichen*.—Sergeant Jarvis, 1 corporal and 9 constables and 10 horses at Gleichen, close to the Blackfoot Reserve and 55 miles east of Calgary, on the line of the Canadian Pacific Railway. This detachment finds patrols to the Rosebud Creek, 40 miles north, Crowfoot Creek, Sand Hills and Blackfoot Reserve to the east and south. All ranchers and settlers 25 miles to the west.

*High River*.—Sergeant Barker, 4 constables and 6 horses at Pekisko, the forks of High River, 60 miles south-west of Calgary. This detachment finds patrols to Mosquito Creek to the south, Sheep Creek to the north and settlers and ranchers east and west of their post.

*Scarlett's*.—Corporal Main, 1 constable and 2 horses at Scarlett's stopping-place, 40 miles north of Calgary on the Edmonton trail. This detachment patrols the district they are in and escorts the mail when required.

A party left here under my command on the 21st May last for Fort Macleod, consisting of 34 non-commissioned officers and men, 38 horses and 4 heavy waggons to carry camp equipage, baggage, &c. I arrived there on the 25th instant. My orders on leaving Calgary were to report to the officer commanding at Fort Macleod and afterwards to relieve the "D" Division outposts, that division being under orders for British Columbia.

On account of the rivers being impassable between Macleod and Lethbridge, the scow being carried away at Kipp, I received fresh orders from Superintendent Neale to take my party and patrol the Blood Reserve, which was done until the 8th of July when I received orders from the same officer to take my command to Lethbridge and relieve a detachment of "H" Division, also to furnish a guard of 12 non-commissioned officers and men, in conjunction with "K" Division, on the Galt mines.

On the 14th July you inspected my command, and the Galt difficulty being over, I received orders from you to strike camp the following day and proceed to Calgary, where we arrived on the 20th July.

I reported fully all work done by my command whilst in Malceod District to Superintendent Neale, the officer commanding that district.

A serious accident happened to Regimental No. 1231, Constable T. Dowling, at Lethbridge on the morning of the 15th of July, being thrown from his horse whilst on herd, sustaining a fracture of the clavicle. This constable was left in hospital at Lethbridge.

The map already forwarded you will show the correct routes taken by patrols from this division.

#### GENERAL WORK, ETC.

A serious fire took place in barracks at this post on the night of the 20th March last, by which two barrack rooms, kitchen and mess room were burnt to the ground.

An investigation was held by Superintendent Antrobus and a full report of the proceedings forwarded to you.

On the 13th of July a man named Swanson was found dead in the Cascade River between Anthracite and Banff, supposed to have been murdered. This affair was investigated by Inspector Constantine and a special report forwarded to you.

On the 5th August last the men at this post rendered great assistance in putting out a fire in the town of Calgary, for which they received the thanks of the Mayor and Council.

On Wednesday the 24th of August one J. Thompson, a settler from the mouth of High River came into barracks and gave himself up for shooting a Blackfoot Indian named "Trembling Man." On the same date, one G. Madge, a settler on the Bow River reported that his house had been broken into by Indians and certain articles stolen therefrom. Corporal Racey and five constables were immediately sent out in pursuit and captured the Indian "Deerfoot," who afterwards escaped. Special reports of both these affairs were sent to headquarters for your information.

On the 5th of September, a large party consisting of fifty officers, non-commissioned officers and men left for the Blackfoot Crossing to search the reserve for Deer-

foot, returning to Calgary on the 9th inst. A special report has already been sent you by the Assistant Commissioner upon the result of this duty.

On the 6th October, I accompanied the Coroner and Dr. Lindsay to Gleichen to enquire into the cause of death, and to hold an inquest if found necessary on the remains of one G. Butterworth who was accidentally killed by being thrown from a horse and dragged some distance on the evening of the 5th inst. The coroner and doctor, after viewing the remains and hearing the evidence, did not think an inquest necessary. I forwarded you a full report of my enquiries, also a copy of the evidence taken before the coroner.

On the 20th of October, Superintendent Gagnon received information and was shewn by A. Flynn, night agent, Canadian Pacific Railway, at this place, one of our transport requisitions signed with Superintendent Gagnon's name, which signature proved to be a forgery. He immediately took steps in the matter and on the 21st and 22nd instant the following men were arrested as being implicated in the forgery: J. Farrell, J. McGregor, E. W. Carroll, J. McDougal and J. Metcalfe. These men were committed for trial and brought before the court commencing the 10th of November, Judge Wetmore presiding. Farrell was found guilty and sentenced to two years and six months' imprisonment with hard labor. The remainder were acquitted.

Breaches of the liquor law still continue in this district notwithstanding the efforts to suppress the same. A large amount has been collected in fines and hundreds of gallons of whiskey seized and spilled during the last twelve months.

You will see by the schedule of cases which accompany this report that the greater part of the cases have been appealed.

Great assistance has been rendered to settlers in the suppression of prairie fires, men turning out at a moment's notice.

Every assistance has been given to the Indian Department, escorts being furnished for treaty payments on the reserves in this district; also to take treaty money north for Edmonton Indians. The payments went off quietly, no disturbance of any kind occurring. Two Indians have been convicted during the year for being drunk and having liquor in their possession, one a Blood, the other a Blackfoot Indian.

One other Blackfoot, "The Meat," was tried and acquitted on a charge of feloniously wounding.

A great deal of petty thieving has been done by Indians around the outlying settlements, and unless we are allowed to punish them when rambling off their reserves, it will still continue.

#### DRILL.

I put the Division through a thorough course of both mounted and dismounted drill in March and April last.

Musketry.—Each member of the Division has fired at the various ranges with carbine and revolver, according to orders issued from headquarters. 30 rounds more Winchester and 24 revolver should be allowed each man during the annual course, as I consider the present allowance not sufficient to make a man a good shot.

#### ARMS.

The arms and accoutrements of this Division are in good order, with the exception of sergeants' cross-belts, glasses and pouches. I would suggest that six more be furnished as soon as possible.

#### HORSES.

The horses of this Division are in fair condition considering the amount of patrol work done this year. No deaths have occurred at this post during the past 12 months.

---

**HARNESS.**

There are at present in possession of the Division—

10 sets of wheel.

3     "   lead.

3     "   single.

I would suggest that three more heavy sets be sent to replace the same number worn out.

Some of the harness at this post has been in wear over six years.

**TRANSPORT.**

The transport is in very good order. There are—

7 heavy waggons.

5 spring     "

2 double buckboards.

2 single     "

At present in the division. This includes those with the detachments.

Three more heavy waggons are required, as we have not sufficient to do the work of the post and district.

**SADDLERY.**

Several of the saddles need replacing, being worn out and past repairing.

The numnahs also need replacing badly, nearly all being worn out.

I would recommend that the next ones issued be made of brown Army felt, this with two thickness of blanket protecting the horse's backs thoroughly on the longest trip, having proved the same on several occasions, especially last Spring, when, with 35 mounted men riding on an average of thirty miles a day for nine weeks, not one had a sore back.

**CLOTHING.**

Men are fairly supplied.

**HEALTH OF MEN.**

The health of the division during the past twelve months has been very good; with the exception of one or two slight accidents and sickness, has been far below the average.

**CRIME.**

There has been very little crime in the division during the past year, the conduct of the men being very good.

**DISCIPLINE.**

Considering the various kinds of work the men are called upon to do, and their absence on detachment and patrol duties for weeks and months at a time, a high state of discipline has been maintained.

**BUILDINGS AND BARRACK FURNITURE.**

New barrack accommodation is badly needed here. Since the fire the men have to eat the meals where the food is cooked. There is no recreation room, consequently their men have to amuse themselves the best way they can in their barrack rooms. The latter would make very good workshops, but are scarcely fit for men to live in.

When the new barracks are built I would beg leave to make the same suggestion that many other officers of the force have been making for years, namely, that the men be provided with proper iron cots, and that the barrack-room tables and forms have iron tressles and legs. Their cost would be made up in a very short

---

time, as it takes some thousands of feet of lumber yearly to keep up the present make-shift boards and tressles.

The old stables have been greatly improved by clap-boarding them on the outside, making them very comfortable for the winter.

The barracks have also been greatly improved in appearance by the addition of a post rail and wire fence.

A new hospital and single officers' quarters are also badly needed here.

I enclose a return of cases tried at Oalgary and Banff for the twelve months ending the 30th November, 1887, and the estimates for the coming year.

I also forward a distribution state of the division for the 30th November, 1887.

I have the honour to be, Sir,

Your obedient servant,

T. WATTAM,  
*Inspector "E" Division.*

The Commissioner  
North-West Mount Mounted Police,  
Regina.

## APPENDIX L.

## NORTH-WEST MOUNTED POLICE—General Distribution State of Men and Horses.

Division.	Place.	Commissioner.	Assistant Commissioner.	Adjutant.	Surgeon.	Quartermaster.	Superintendent.	Inspector.	Assistant Surgeon.	Veterinary Surgeon.	Staff Sergeant.	Sergeant.	Corporal.	Constable.	Grand Total.	Horses.						Grand Total.
																Saddle.	Team.	Ponies.	Pack Horses.	Mules.	Scout Horses.	
"A".	Maple Creek .....	...	...	...	...	...	...	2	...	3	3	2	44	...	17	17	...	...	...	...	6	...
	Medicine Hat .....	...	...	...	...	...	...	1	...	1	...	2	13	...	6	9	...	...	...	...	...	...
	Regina .....	...	...	...	...	...	...	...	...	1	...	...	1	...	...	...	...	...	...	...	...	...
	Swift Current .....	...	...	...	...	...	...	...	...	1	...	...	2	...	3	...	...	...	...	...	...	...
	Calgary .....	...	...	...	...	...	...	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...
	Detachments .....	...	...	...	...	...	...	...	...	...	1	3	21	...	22	...	1	...	1	...	...	...
	On leave .....	...	...	...	...	...	1	1	...	...	1	1	...	...	...	...	...	...	...	...	...	...
	Herd .....	...	...	...	...	...	...	...	...	...	...	...	...	...	9	9	...	...	...	1	...	...
"B".	Regina .....	...	...	...	...	...	1	2	...	3	3	4	28	...	26	19	...	...	...	...	...	...
	Wood Mountain .....	...	...	...	...	...	...	...	...	...	1	...	5	...	7	2	...	...	...	...	...	...
	Willow Bunch .....	...	...	...	...	...	...	...	...	...	...	1	3	...	2	2	...	...	...	...	...	...
	Moose Mountain .....	...	...	...	...	...	...	...	...	...	2	1	7	...	7	3	...	...	...	...	...	...
	Lagaburg .....	...	...	...	...	...	...	...	...	...	1	...	5	...	5	2	...	...	...	...	...	...
	Broadview .....	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
	Qu' Appelle .....	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
	"Dépôt" .....	...	...	...	...	...	...	...	...	...	...	...	1	...	3	...	...	...	...	...	...	...
	Maple Creek .....	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
	With Ass't Comm'r. ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...
"C".	Battleford .....	...	...	...	...	...	1	2	...	2	5	7	59	...	41	15	...	...	...	...	...	...
	Regina .....	...	...	...	...	...	...	1	...	1	...	...	6	...	7	2	...	...	...	...	...	...
	Onion Lake .....	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
	Prince Albert .....	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
	Swift Current .....	...	...	...	...	...	...	...	...	...	...	...	1	...	2	2	...	...	...	...	...	...
	Leave .....	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
	Ranche Co. ....	...	...	...	...	...	...	...	...	...	...	...	...	...	6	...	...	...	...	...	...	...
"D".	Kootenay .....	...	...	...	...	...	1	2	1	...	3	6	4	59	...	54	10	...	24	3	...	...
	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"E".	Calgary .....	1	...	...	...	...	1	2	1	1	5	3	49	...	41	18	...	...	...	...	...	...
	Regina .....	...	...	...	...	...	...	...	...	...	2	...	2	...	...	...	...	...	...	...	...	...
	Sanff. ....	...	...	...	...	...	1	...	1	...	1	...	12	...	6	2	...	...	...	...	...	...
	Meichen .....	...	...	...	...	...	...	...	...	...	1	1	9	...	8	2	...	...	...	...	...	...
	High River .....	...	...	...	...	...	...	...	...	...	1	...	4	...	4	2	...	...	...	...	...	...
	Scarlett's .....	...	...	...	...	...	...	...	...	...	1	...	1	...	2	...	...	...	...	...	...	...
	On leave .....	...	...	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...
"F".	Prince Albert .....	...	...	...	...	...	1	2	...	4	3	3	48	...	36	21	1	...	...	...	...	...
	Batoche .....	...	...	...	...	...	...	...	...	...	1	...	6	...	4	2	...	...	...	...	...	...
	Touchwood .....	...	...	...	...	...	...	...	...	...	...	...	2	...	2	...	...	...	...	...	...	...
	Saskatoon .....	...	...	...	...	...	...	...	...	...	1	...	3	...	3	...	...	...	...	...	...	...
	Special duty .....	...	...	...	...	...	...	...	...	...	1	...	1	...	...	4	...	...	...	...	...	...
	Leave .....	...	...	...	...	...	...	...	...	...	1	1	1	2	...	...	...	...	...	...	...	...
"G".	Fort Saskatchewan .....	...	...	...	...	...	1	...	...	4	4	4	47	...	27	15	...	...	...	...	...	...
	Edmonton .....	...	...	...	...	...	...	1	...	...	1	2	17	...	20	...	...	...	...	...	...	...
	Red Deer .....	...	...	...	...	...	...	...	...	...	1	...	4	...	...	7	...	...	...	...	...	...
	Peace Hills .....	...	...	...	...	...	...	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...
	Regina .....	...	...	...	...	...	...	...	...	...	...	...	1	...	2	...	...	...	...	...	...	...
	Calgary .....	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	...	...	...	...	...	...
	Leave .....	...	...	...	...	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...

APPENDIX K.—North-West Mounted Police—General Distribution State of Men and Horses—*Concluded.*

Division.	Place.	Commissioner.	Assistant Commissioner	Adjutant.	Surgeon	Quartermaster.	Superintendent.	Inspector.	Assistant Surgeon.	Veterinary Surgeon.	Staff Sergeant.	Sergeant.	Corporal.	Constable.	Grand Total.	Horses.						Grand Total.
																Saddle.	Team.	Ponies.	Pack Horses.	Mules.	Scout Horses.	
"H".	Fort Macleod .....	..	.....	..	..	..	1	2	1	..	..	5	3	4	55	39	26	..	..	..	..	.....
	Pincher Creek .....	..	.....	..	..	..	..	1	..	..	..	1	..	8	..	10	..	..	..	..	..	.....
	Stand Off .....	..	.....	..	..	..	..	..	..	..	..	1	..	2	..	3	..	..	..	..	..	.....
	Kootenay .....	..	.....	..	..	..	..	..	..	..	..	..	1	3	..	3	..	..	..	..	..	.....
	St Mary's .....	..	.....	..	..	..	..	..	..	..	..	..	1	3	..	4	..	..	..	..	..	.....
	Regina .....	..	.....	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	.....
	Piegan Reserve .....	..	.....	..	..	..	..	..	..	..	..	..	..	2	..	2	..	..	..	..	..	.....
	On Leave .....	..	.....	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	.....
	Herd .....	..	.....	..	..	..	..	..	..	..	..	..	..	..	..	18	..	..	..	..	..	.....
"K".	Lethbridge .....	..	.....	..	..	..	1	3	..	..	8	7	7	53	..	48	24	2	..	..	..	.....
	Battleford .....	..	.....	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	.....
	Fort Macleod .....	..	.....	..	..	..	..	..	..	..	..	..	..	2	..	2	..	..	..	..	..	.....
	Kipp .....	..	.....	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	.....
	Pincher Creek .....	..	.....	..	..	..	..	..	..	..	..	..	..	2	..	14	9	..	..	..	..	.....
	On Leave .....	..	.....	..	..	..	..	..	..	..	..	..	..	3	..	..	..	..	..	..	..	.....
Depot.	Regina .....	1	.....	1	1	1	1	6	1	..	10	8	9	132	..	84	16	2	..	..	..	.....
	Moosomin .....	..	.....	..	..	..	..	..	..	..	..	1	1	4	..	3	..	..	..	..	..	.....
	Fort Qu'Appelle .....	..	.....	..	..	..	..	..	..	..	..	1	2	2	..	2	..	..	..	..	..	.....
	Moose Jaw .....	..	.....	..	..	..	..	..	..	..	..	..	1	1	..	2	..	..	..	..	..	.....
	Wolseley .....	..	.....	..	..	..	..	..	..	..	..	..	1	2	..	..	..	..	..	..	..	.....
	Whitewood .....	..	.....	..	..	..	..	..	..	..	..	..	1	2	..	1	..	..	..	..	..	.....
	Broadview .....	..	.....	..	..	..	..	..	..	..	..	..	..	2	..	2	..	..	..	..	..	.....
	Qu'Appelle .....	..	.....	..	..	..	..	..	..	..	..	..	..	..	..	4	..	..	..	..	..	.....
	Town Station .....	..	.....	..	..	..	..	..	..	..	..	1	..	3	..	..	..	..	..	..	..	.....
	Battleford .....	..	.....	..	..	..	..	..	1	..	1	..	..	1	..	..	..	..	..	..	..	.....
	Prince Albert .....	..	.....	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	.....
	Calgary .....	..	.....	..	..	..	..	..	1	..	1	..	..	1	..	..	..	..	..	..	..	.....
	On Leave .....	..	.....	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	.....
	Golden .....	..	.....	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	.....
	Lethbridge .....	..	.....	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	.....
	Wood Mountain .....	..	.....	..	..	..	..	..	..	..	..	..	..	..	..	2	..	..	..	..	..	.....
	Herd .....	..	.....	..	..	..	..	..	..	..	..	..	..	..	..	12	..	..	..	..	..	.....
		1	1	1	1	1	11	30	5	2	45	67	74	758	997	634	246	6	24	5	6	921

## APPENDIX M.

## ANNUAL REPORT OF SENIOR SURGEON JUKES, 1887.

REGINA, N.W.T., 30th December, 1887,

Completed 7th January, 1888.

SIR,—I have the honour to place in your hands my annual report as senior medical officer of this force for the year expiring 30th November, 1887. I regret that its completion should have been so long delayed, but this has been unavoidable, partly owing to the large number of documents, returns and other official work which has accumulated during my recent absence at Ottawa, which demanded immediate attention, and partly to the late arrival of the annual reports from Assistant Surgeons at some of the outposts.

My report for the year now expiring must be less satisfactory than I could have desired, because, during that period no opportunity has been afforded me for visiting and inspecting outposts, my knowledge of what has taken place there having been confined, during the last twelve months, to such information for the most part as could be gathered from the monthly sick returns. The demands made upon headquarters medical supply for medical stores, and the sick sent down from various outposts, either for treatment or to be invalided, whose names swell the annual report of sick from Regina, the large number of cases appearing upon, and the severity and duration of many of them, must not, therefore, be regarded as indicating anything specially unhealthy in the situation of Regina, which, in this respect, compares favorably with any other post in the Territories, but to a combination of causes which, under existing conditions, combine to swell the number and duration of cases of disease or injury appearing upon the annual sick report from headquarters, a few of which may be here cited in order that these causes may be better understood.

To begin with, it must be remembered that all new recruits are admitted first at Regina, where they are posted for a longer or shorter period, to become familiar with their drill and special duties before being transmitted as competent policemen to the outposts. Many of these are young men hitherto unaccustomed to work of any kind, and entirely ignorant of riding, or of the handling, grooming and management of horses, a fact which these animals are remarkably quick in apprehending. The ordinary routine work though not exceptionally severe, is always hardest to a new recruit, hitherto unaccustomed to drill and discipline; added to which almost every new comer on his arrival in the Territories, suffers to a greater or less extent from relaxation of the bowels, frequently amounting to diarrhoea, dependent mainly upon the alkaline salts found almost universally in all water everywhere except near the mountains. This, though ordinarily amounting to only a temporary inconvenience, not unfrequently continues for many days and occasionally even for weeks, during which period they often present themselves for treatment at sick parade, their names appearing more or less frequently upon the daily sick reports from which the annual report is compiled. Many also, hitherto unaccustomed to continuous drill and duty, find the new work, until they become accustomed to it, sufficiently trying, and gladly avail themselves of any slight indisposition to escape from it temporarily by getting upon the sick report. Some recruits also from their ignorance of riding and the management of horses generally, not unfrequently sustain injuries, either by being thrown from their horses or by receiving kicks and bruises from them, both in and out of stables, some of which are occasionally of a very severe nature, confining them to hospital for various and uncertain periods; added to which, those arriving

during the autumn months, when endemic malarial fever may be apprehended by the unacclimated almost everywhere throughout the North-West Territories, are specially liable to attacks of this nature, and with such it is often more than ordinarily severe and protracted. It must also be borne in mind that the healthiest, soundest, most vigorous and efficient men are as a rule forwarded to the outposts, and that all serious or protracted cases of disease occurring at these, sooner or later, as a rule, find their way to head quarters whenever they are capable of bearing the journey, either for further treatment or to be invalided, where they often remain long under treatment in hospital, and in not a few cases are ultimately restored and returned to duty.

It must also be remembered that the force at headquarters averages more than double the number to be found at any of the outposts, and that the continual shifting and changing of the Assistant Surgeons, several of whom have temporarily and for limited periods taken the sick parades and performed the hospital duties there, during a period representing altogether nearly seven months of the year now expired; arriving, as they do, unfamiliar with the individual character of the men; it becomes comparatively easy for chronic malingerers, of whom there are always some, to evade duty for an additional term, under various false pretences, and for a time at least in every such case, adding to the number of names upon the daily sick reports. When all these circumstances are taken into consideration, it will no longer be considered surprising that the number of cases appearing on the annual sick report from Regina and the extended duration of many of these, is largely in excess of those found in the annual sick reports sent in from any of the outposts.

The new hospital erected during the past summer at Regina, though a great advance upon the old one, is not, for reasons mentioned below, all that could be desired. The building as originally projected, was provided with five wards, each capable of accommodating five patients, a total of 25 available beds being required for a force of 250 men; but no room having been provided by the architect for a dispensary and surgery, it became necessary to fit up one of the two lower wards for that purpose; the other has been converted, by necessity, into a drug supply store, the old building being required for other purposes, and the whole of the drugs stored there, together with the new consignment recently received for the same service, were directed to be removed (I trust only temporarily), into the remaining hospital ward upon the ground floor, the only other room upon that floor of the main building being too small for any other purpose having been set apart for the use of the hospital steward and staff Surgeon Richards in charge of the drug supply, leaving only the three wards upstairs, capable of accommodating fifteen patients, available for the reception of the sick. As a temporary arrangement and under favorable conditions, this may probably suffice for the winter months, but if it is proposed to make it permanent, nothing can well be more objectionable or destructive of the order, well-being, comfort and convenience of the sick, for whom the hospital building was specially designed. Nothing less than ten beds for every 100 men has been uniformly considered indispensable. Under existing arrangements we have ten less than my former report upon hospital accommodation asked for, and which, under very possible circumstances, may become absolutely indispensable. But apart from these considerations, the only sufficient access to the ward now occupied as a drug supply store, being through the hall door, entrance hall and corridor of the hospital, from which a broad, open stairway ascends to the wards overhead, all medical stores received and discharged, together with all packing cases and materials for packing, must necessarily find entrance and exit to and from the drug supply store by this hall alone; to the dirt, noise and confusion attending which operations, must be added the hammering and other disturbances necessarily involved in the packing and unpacking of consignments of stores, and the transmission of these, both in and out, through the front hall and door, which constitutes, as I have said, the main entrance to the hospital proper, and the only way through which they can pass; conditions entirely hostile to the order, cleanliness, privacy and repose specially demanded in such institutions, the imposition of which must impair its comfort and efficiency for



the purpose for which it was specially designed. I have submitted temporarily to this arrangement as a most unwelcome necessity; but no time should be lost when spring opens, in providing a small building near at hand for use as a drug supply store, when the large cellar beneath the hospital can still, unless another is provided, be made available for storing perishable supplies, which must otherwise suffer from exposure to frost.

The annual sick report has been compiled from the daily sick reports for Regina. To me it is by no means a satisfactory document. During five months of the period covered by this report, the sick parade daily was attended personally by myself, no other medical officer being at headquarters; but these duties were attended to for various periods of the remaining seven months by four different Assistant Surgeons in succession, though some severe cases coming into hospital at that period were taken charge of by myself personally. I have no doubt that much which appears extravagant in the sick report referred to, may be readily explained by the suggestions made in this report. The great number of cases of ordinary colds and coughs must be noticed, occurring in a climate where, under ordinary circumstances, they are remarkably rare. This, I believe, is mainly due to over-heating of the barracks, especially the sleeping apartments at night, and this evil existed to an almost equal extent in the old barrack rooms which these new ones have supplanted; some measure should be devised by which this can be remedied, and also by which the rooms may be properly ventilated, especially when the storm windows are put on, without creating draughts.

No case of typho-malarial fever has occurred at Regina during the past year; the only case appearing on the hospital books having been brought in from Wood Mountain suffering from that disease, and the remarkably few cases of malarial fever occurring during the same period (some of which also came from Wood Mountain), their short average duration, and the absence of any fatality, speak highly for the sanitary condition of Regina, which may not only be maintained, but possibly improved upon, in succeeding years, if the same careful attention is observed in maintaining the water in the creek at a uniform level by the dam and sluiceway below the post, and by strictly enforcing the indispensable regulation that no offal, garbage, stable drainings or any other source of impurity is permitted to contaminate its waters. If these necessary precautions are overlooked or neglected, we shall sooner or later, suffer from a recurrence of the severe endemic fever which prostrated so many of our men in the autumn of 1885, though happily without the loss of a single life.

I am not in favor of the introduction of dry earth closets at the hospital, as in severe weather it would be impossible to empty them or keep them clean unless within the building, to which I am equally opposed. With ordinary care the present closet, which is well cut off from the building, is easy of access and can be well ventilated, will be perfectly safe if thoroughly cleansed in the spring and autumn and properly disinfected; provided no slops are permitted to be thrown into the vault, a matter of the greatest importance.

So long as these and similar suggestions, often repeated, are carefully attended to, the health of the Headquarters Post, so far as endemic fever is concerned, will continue to compare favorably with other posts in the North-West Territories. We are always exposed to the possible introduction of contagious zymotic disease, introduced by railway travellers and immigrants, and this danger is increased by our intimate connection with Regina, a growing town and station on the railway line; but even these, should they be introduced, as they have already been on several occasions, will be favourably modified to us if sanitary regulations are strictly maintained and enforced.

On the 19th of August, 1887, I proceeded to Ottawa to assist in making the arrangements necessary for providing the annual hospital and veterinary supplies. During my absence the medical charge of Regina passed temporarily into the hands of Assistant Surgeon Aylen, who performed the medical duties of the post until 12th September, from which date until my arrival on the 26th of October the duties of

sick parade and hospital were taken by Dr. Dodd, of Regina, who has since received the appointment of Assistant Surgeon at this post.

With reference to Regimental No. 1475, Constable Thomas, sent down by Assistant Surgeon Aylen, to be invalided about a year ago for an inguinal hernia sustained by him while on duty, I retained him in order to attempt his radical cure. In that attempt I have happily succeeded—for the last six or seven weeks he has dispensed altogether with a truss, and has only been continued at “light duty” in the armourer’s shop to prevent the possible recurrence of the disease by too early and violent exercise. For the last month he has been urgently soliciting me to recommend his return to Fort Saskatchewan as armourer there—a duty for which his former trade, as a machinist, qualifies him, but I prefer keeping him for a time beneath my observation until I am satisfied that the cure is permanent. If my instructions are followed and he is permitted to continue awhile longer at his present employment, there is every reason to believe that his recovery will be perfect.

Accompanying the estimate and annual sick report from Calgary will be found two excellent and carefully written reports from Assistant Surgeon Paré in charge of that post, relating to his experience of the outbreak of fever at Kootenay, to which post he was suddenly ordered during my absence at Ottawa, to assist Dr. Powell, who, with many others of “D” Division had been suddenly struck down with fever at that post in the heart of the mountains. The first of these reports, dated 31st October, was received by me during the absence of the Commissioner, and was then referred by me to the Assistant Commissioner in command, who returned it to me after its perusal; the second, is his annual report for Calgary. In both of these reports he enters largely into the subject of the fatal endemic fever lately prevailing at Kootenay, from a severe attack of which Dr. Powell has only lately recovered. Dr. Paré is an active, intelligent and efficient officer, of whose professional capacity I entertain a high opinion, and who deserves great credit for the prompt and energetic discharge of his duties on this occasion. Practicing his profession until very recently in the Province of Quebec, he has hitherto had little opportunity of becoming acquainted practically with diseases due to malaria, from which that Province is comparatively free, and perhaps from this cause, views the fever lately prevailing at Kootenay in a somewhat different light to that in which I regard it; but judging from his own description and my own long experience in a highly malarious district during the thirty-five years preceding my appointment to this force, I am strongly of the opinion that Constables Mason and Fisher, whose symptoms he details, and probably some others, died from what is known a hæmorrhagic malaria fever, a very fatal form of endemic malaria fever occurring in certain seasons and localities.

The more clearly I come to understand the conditions existing in the neighbourhood of Kootenay Post, from the various accounts received of the outbreak of the fever there, the clearer becomes my conviction, that, though accompanied, as many such malarial endemics are, by symptoms of a low, typhoid character, this fatal fever was unquestionably of malarious origin, and must, to a certain extent have been dependent upon the position of the post; a very extensive knowledge of the topography of such a country, and the ordinary course of the prevailing winds through the mountain passes, deep valleys and river bottoms, and their relation to the numerous large bogs or morasses; some of which become probably, dry during the summer; being required before any definite opinion of the source from which the deadly exhalations arose could be satisfactorily ascertained and expressed; but the mere fact that malarial fever has once made its baneful presence so severely felt at Kootenay compels me to believe it will be likely to recur at similar periods and under similar conditions so long as any considerable body of unacclimated men are stationed there during the autumn months, and perhaps in a modified and less fatal form in the spring of the year also, when marked variations of temperature occur between noon and midnight.

These suggestions may possibly receive as little attention as many of a like nature which have preceded them—but any competent medical authority familiar with the ravages caused by malaria among unacclimated troops or bodies of men

stationed in districts where malaria uniformly abounds at certain well defined seasons of the year, will confirm what I have written, and would probably agree with me in foretelling the recurrence of endemic fever there under similar conditions and during similar seasons to those through which the post has recently passed, though future endemics may vary much in type and character, here as everywhere, under changed atmospheric conditions.

The intelligent report of Assistant Surgeon Powell throws additional light upon the causes contributing to the outbreak of fever at Kootenay, from which he personally suffered severely, and he is clearly disposed to attribute its outbreak to the presence of malaria. There can be no question that this view of the subject is correct, though, possibly, the main sources from which it was derived are not to be found in the immediate neighborhood of the post. I am pleased also to observe that Dr. Powell does full justice to the excellence and abundance of the medical supplies and hospital comforts provided, "and everything which would in any way tend to promote the well-being of the patients." This is extremely gratifying, coming from so thoroughly competent a medical officer, though the supplies at every other post have been furnished in even greater profusion. The surgical instruments asked for by Dr. Powell in his annual requisition, herewith forwarded, should be provided with the least possible delay and forwarded as soon as practicable.

It is also pleasant to hear from the report of Dr. Tulloch, Acting Assistant Surgeon at Fort Saskatchewan that the stock of drugs at that post is full and satisfactory. There can be no question that no troops in the world are better provided for in this respect than the North-West Mounted Police.

The following documents are herewith enclosed :—

1. Annual report of Assistant Surgeon Baldwin, Fort MacLeod.
2. Annual report of Assistant Surgeon Ayles, Battleford.
3. Annual report of Assistant Surgeon Paré, Calgary, together with special report of journey to Kootenay.
4. Annual report of Assistant Surgeon Dodd, Regina.
5. Annual report of Assistant Surgeon Powell, Kootenay, B.C.
6. Annual report of Acting Assistant Surgeon Bain, Prince Albert.
7. Annual report of Acting Assistant Surgeon Tulloch, Fort Saskatchewan.

I have the honour to be, Sir,

Your obedient servant,

A. JUKES,  
*Senior Surgeon.*

## NORTH-WEST MOUNTED POLICE.

## SCHEDULE A.—Sick Report for Regina, for the Year 1887.

Disease.	Number of Cases.	Number of Days.	Average Du-ration.	Surgeon's Remarks.
Constipation .....	85	106	1 $\frac{1}{2}$	Simply requiring cathartics.
Conjunctivitis .....	15	45	3	
Colds and coughs. ....	161	293	1 $\frac{1}{2}$	
Colic.....	5	6	1 $\frac{1}{2}$	Mostly from the water.
Dyspepsia.....	6	10	1 $\frac{1}{2}$	
Diarrhoea .....	117	154	1 $\frac{1}{2}$	
Dysentery .....	6	25	4 $\frac{1}{2}$	
Delirium tremens.....	1	4	4	
Epididymitis .....	2	32	16	Both invalided.
Epilepsy .....	2	15	7 $\frac{1}{2}$	
Effects of drink.....	6	14	2 $\frac{1}{2}$	
do sun .....	2	2	1	Malarial.
Fever, remittent.....	19	304	16	
do intermittent .....				
do typho-malarial.....				
Gumboils .....	8	12	4	
Headache .....	12	12	1	
Jaundice .....	1	14	14	Probably from riding.
Lumbago .....	5	11	2 $\frac{1}{2}$	
Myalgia .....	7	24	3 $\frac{1}{2}$	
Neuralgia .....	21	94	4 $\frac{1}{2}$	
Nephralgia .....	2	16	8	
Prostatic disease .....	1	9	9	
Pharyngitis .....	9	29	3 $\frac{1}{2}$	
Rubcola .....	2	20	10	One invalided.
Rheumatism .....	2	120	60	
Scarlatina.....	1	27	27	
Schistice .....	1	73	73	Invalided.
Scabies .....	1	3	3	
Suppurating cervical glands....	1	21	21	
Tonsillitis .....	12	36	3	Diphthorites.
Ulcerated throat.....	9	27	3	
<i>Surgery and Minor Surgery.</i>				
Anthrax .....	2	12	6	Brought in from "F" Division, Touchwood Post; very serious and protracted.
Abscess .....	3	22	7 $\frac{1}{2}$	
Axe wound .....	1	22	22	
Abscess, diffuse of thigh .....	1	145	145	
Boils .....	7	25	3 $\frac{1}{2}$	By fall from horse; very serious, terminating in loss of vision in left eye; invalided. See my report of December 30, 1886. A. J.
Excoriations .....	10	22	2 $\frac{1}{2}$	
Contraction of tendons of hand .....	1	39	39	
Concussion of brain .....	.....	.....	.....	
Dislocation of fingers, with con- traction of tendons .....	1	95	95	Dragged by a horse, his hand held fast in ring of picket rope; sent down from "O" Division, Lethbridge.
Felon .....	2	13	6 $\frac{1}{2}$	
Fractured clavicle.....	2	59	29	One from Lethbridge.
do metacarpal bone.....	1	20	20	
Frost bites.....	15	33	5 $\frac{1}{2}$	The majority when riding school was burnt.
Hæmorrhoids .....	4	19	4 $\frac{1}{2}$	
Hernia, inguinal .....	1	359	359	This man came down from "G" Division, rup- tured by being thrown from horse on duty, to be invalided. I treated him for radical cure, and he has long been at duty in armourer's shop, the hernia cured, and all treatment abandoned; he wears no truss, and has now no hernia; kept long at light duty, excused-riding, to enable the cure to be effected.

**SCHEDULE A.—Annual Sick Report for Regime for the Year 1887—Concluded.**

<b>Diseases.</b>	<b>Number of Cases.</b>	<b>Number of Days.</b>	<b>Average Duration.</b>	<b>Surgeon's Remarks.</b>
Hydrothorax .....	1	48	48	Sent down from "C" Division.
Ingrowing toe-nail .....	8	20	6 $\frac{1}{2}$	
Minor injuries .....	111	525	5	Many from horses.
Medullary sarcoma .....	1	40	40	Sent down from "E" Division.
Punctured wound of foot .....	1	13	13	
Scalds .....	1	13	13	
Suppuration of ear .....	2	17	8 $\frac{1}{2}$	
Tuberculosis .....	1	19	19	Sent down from Battleford; invalided.
Testicle, injury to .....	1	21	21	
Tumour of scalp, large .....	1	40	40	Of considerable size and long standing; bone greatly absorbed; operated on with success, but long off duty in consequence. Sent down from "E" Division.
Varix .....	8	100	12 $\frac{1}{2}$	One sent down from "K" Division; three invalided.
<b>Veneral and Genito Urinary Diseases.</b>				
Syphilis, primary .....	8	81	10 $\frac{1}{2}$	Several entered Force with disease, as re-examinations show.
Gonorrhoea and gleet .....	20	420	21	Several entered Force here with disease, as re-examinations show.
Syphilis, chronic .....	5	210	42	Some of these contracted disease before entering, two of whom were invalided.

**A. JUKES, M.B.,**  
*Senior Surgeon.*

## APPENDIX N.

### ANNUAL REPORT OF ASSISTANT SURGEON BALDWIN, 1887.

FORT MACLEOD, 1st December, 1887.

SIR,—I have the honour to enclose my annual sick report for the year ending 30th November, 1887.

I would draw your attention to the absence of any case of typho-malarial fever so called, at this post during the past year.

I would state that in my opinion the present system of cesspool latrines is exceedingly unhealthy and I would strongly urge the adoption of dry-earth closets, especially in posts situated in sandy soil.

I would also suggest that the present system of issuing blankets to the men be discontinued. At present a man on joining receives three pairs which he is supposed to keep for the five years. I would recommend that clean blankets be issued every month and that all blankets in use for that length of time be returned to store for the purpose of being washed.

I would also suggest that a charge of ten cents per diem be allowed against patients in hospital for messing. This is the same rate paid voluntarily by the men in the troop mess, and if this would be allowed in hospital it would do away with extra pay of cook.

I accompanied "K" Division from Battleford to this post, leaving Battleford in 18th, May and arriving at this post on 2nd June. Although we had some very wet and cold days during the trip, I am glad to say that we had not a single case of illness or accident among the men.

I have the honour to be, Sir,

Your obedient servant,

H. Y. BALDWIN,  
*Assistant Surgeon.*

Forwarded

P. R. NEALE,  
Superintendent Commanding Macleod District.

## NORTH-WEST MOUNTED POLICE.

## GENERAL Sick Report for Macleod for the Year 1887.

Diseases.	Number of Cases.	Number of Days.	Average Duration.	Surgeon's Remarks.
<i>Surgery and Minor Surgery.</i>				
Boils .....	5	10	2	Medicine, and on duty.
Ulcer of the foot .....	1	4	4	In hospital.
Tumor of the scalp .....	1	4	4	Returned to duty.
Old gun-shot wound .....	2	2	1	Special report.
Bite .....	3	6	2	Medicine, and on duty.
Dislocation of right shoulder .....	1	4	4	Returned to duty.
Sprains .....	11	104	10	do
Strains .....	7	21	3	do
Chafe .....	5	5	1	Medicine, and on duty.
Incised wound .....	8	70	8	Returned to duty.
Contusion .....	10	40	4	do
Frost bite .....	5	15	3	do
Synoditis .....	1	37	37	In hospital.
Kick from a horse .....	22	192	16	Returned to duty.
Minor ailments .....	6	24	4	do
<i>General Diseases.</i>				
Convalescing from fever .....	5	95	19	Brought over from last year ; returned to duty.
Fever .....	3	117	37	do do
Rheumatism .....	23	137	6	Returned to duty.
General debility .....	10	76	7	do
<i>Diseases of the Skin.</i>				
Acne .....	1	2	2	Medicine, and on duty.
Eczema .....	1	1	1	do
Erysipelas .....	1	6	6	Returned to duty.
Condylomata .....	1	1	1	Medicine, and on duty.
<i>Diseases of the Organs of Respiration and Circulation.</i>				
Cold .....	48	92	1½	do
Pleurisy .....	1	2	2	Returned to duty.
Pericarditis .....	1	93	93	do
Palpitation of heart .....	1	2	2	do
<i>Diseases of the Organs of Digestion.</i>				
Dyspepsia .....	2	2	1	Medicine, and on duty.
Diarrhoea .....	17	34	1	do
Constipation .....	5	10	2	do
Biliousness .....	6	8	1	do
Colic .....	10	10	1	do
Coryza .....	10	28	2½	do
Tapeworms .....	1	5	5	do
<i>Diseases of the Throat and Chest.</i>				
Ocatarrh .....	3	3	1	do
Bronchitis .....	2	4	2	Returned to duty.
Pain in chest .....	6	12	2	do
Tonsillitis .....	1	9	9	do

GENERAL Sick Report for the Year 1887—Concluded.

Diseases.	Number of Cases.	Number of Days.	Average Duration.	Surgeon's Remarks.
<i>Nervous System.</i>				
Alcoholism .....	1	2	2	do
Migrain .....	11	22	2	Returned to duty.
Eurache .....	2	4	2	Medicine, and on duty.
Toothache .....	15	15	1	do
Neuralgia .....	6	18	3	Returned to duty.
Lumbago .....	12	26	2	do
Vertigo .....	3	3	1	Medicine, and on duty.
Convulsion .....	1	7	7	Returned to duty.
Tusolation .....	1	7	7	do

Daily average of men in barracks during the year, 125.  
do do at morning sick parade during the year, 8.  
do do in hospital during the year, 5.  
do do under treatment in barracks during the year, 8.

A. Y. BALDWIN,  
*Assistant Surgeon.*

Fort Macleod, 30th November, 1887.



## APPENDIX O.

## ANNUAL REPORT OF ASSISTANT SURGEON AYLEN, 1887.

BATTLEFORD, 5th December, 1887.

To the Commissioner North-West Mounted Police,  
Regina.

SIR,—I have the honour to present you with my annual report for the year ending the 30th of November, 1887.

From December, 1886, to June, 1887, I was stationed at Fort Saskatchewan, and had medical charge of "G" Division. I visited the detachment at Edmonton once a week and Red Deer once a month. There were a few venereal cases last winter, and I am happy to say they all made good recoveries. It is wonderful how few venereal cases there were in this division. I venture to say that there are not another hundred men in the Dominion that can give as clear a record.

On the 14th of June last I reported at Calgary for duty; on the 15th I took stock and found everything in splendid condition. Prisoner Fisher was the only patient in hospital, suffering from a gunshot wound. On examining him I found that an abscess had formed, I opened it freely and in a short time he recovered and was transferred to Regina to put in his unexpired time of imprisonment.

On the 29th of June I received orders to join Supt. Steele at Golden City, en route to the Kootenay District. On the 2nd of July I took medical charge of "D" Division, the men were in splendid condition and seemed to enjoy camp life. On the 4th of July I received orders to return to Calgary. On the 7th July, I took medical charge of "G" Division again; during the short time I had charge of this division there was very little sickness.

On the 15th of August I received orders to report at Regina for duty. On the 19th of that month I took medical charge of the depot. This division excels any three divisions for sickness that I have had charge of.

During the short time I had medical charge of the depot, it fell upon me to recommend five constables to be invalided as follows:—

Reg. No. 1475—Constable Thomas—suffering from hernia.

Reg. No. 1750—Corporal Johnston—suffering from varicocele. I believe he has recovered enough to do light duty, but I fear he will be laid up again shortly.

Reg. No. 1804—Constable Stephens—suffering from varicocele, contracted before he enlisted. Invalided.

Reg. No. 1963—Constable Brown—Suffering from suppurative nephritis, contracted before enlisting. Invalided.

Reg. No. 2011—Constable Underhill—Suffering from tertiary syphilis, contracted before enlisting. Invalided.

On the 12th of September I received orders to report at Battleford for duty on the 19th. I took medical charge of "C" Division and found the hospital and drugs in very good condition. The men are in excellent health; fever has disappeared altogether; there is not a single case in the neighborhood of Battleford, and if next summer is not an exceptionally dry one I don't think it will reappear.

I beg to recommend that a verandah be placed in front and on one side of the hospital, and that a bay-window be made in the surgery, as there is not sufficient light at present for dispensing. With these two additions Battleford will have the finest hospital in the North-West Mounted Police.

---

The general sanitary condition of the barracks is excellent, great care is taken in the removal of dirty water and slops of all kinds.

I enclose you an appendix of diseases treated in this hospital during the year ending the 30th of November, 1887. This includes "K" Division which was stationed here from December, 1886, till May, 1887.

I have the honour to be, Sir,

Your obedient servant,

P. AYLEN, M. D., C. M.,  
*North-West Mounted Police.*

## NORTH-WEST MOUNTED POLICE.

§ DISEASES treated in the Battleford Hospital during the Year ending the 30th of November, 1887.

Diseases.	Number of Cases.	Average Duration.	Remarks.
<i>General Diseases—Infectious.</i>			
Malarial fever .....	7	24	Recovered ; returned to duty.
<i>Constitutional.</i>			
Rheumatism .....	3	7	Recovered ; returned to duty.
General debility. ....	25	1	do do do
<i>Local Diseases.</i>			
Chorea .....	1	38	Still under treatment.
Epileptiform convulsions .....	1	3	Recovered ; returned to duty.
Lumbago .....	6	8	do do do
Mania .....	1	17	Invalided.
Neuralgia .....	30	1	Recovered ; returned to duty.
Odontalgia .....	15	1	do do do
Pleurodynia .....	1	1	do do do
Sciatica .....	2	24	do do do
Coup de soleil. ....	1	15	do do do
Cephalalgia .....	1	2	do do do
<i>Respiratory System.</i>			
Bronchitis .....	2	7	Recovered ; returned to duty.
Catarrh .....	5	2	do do do
Coryza .....	63	1	do do do
Laryngitis .....	3	3	do do do
Pleurisy .....	1	19	do do do
Pharyngitis .....	1	19	do do do
Quinsy .....	25	3	do do do
<i>Digestive System.</i>			
Bilious .....	6	1	Recovered ; returned to duty.
Colic .....	2	1	do do do
Constipation .....	19	1	do do do
Diarrhoea .....	51	1	do do do
Dysentery .....	1	6	do do do
Dyspepsia .....	11	1	do do do
Hæmorrhoids .....	14	6	do do do
Impacted forces .....	1	13	do do do
<i>Outaneous System.</i>			
Acne .....	1	1	Recovered ; returned to duty.
Anthrax .....	5	8	do do do
Chafe .....	3	13	do do do
Eczema .....	1	21	do do do
Erythema .....	1	7	do do do
Herpes .....	1	1	do do do
Prurigo .....	4	1	do do do
Psoriasis .....	2	2	do do do
Scabies .....	1	4	do do do
Sebærrhoea .....	1	1	do do do
Urticaria .....	2	1	do do do

N.W. MOUNTED POLICE.—DISEASES treated in the Battleford Hospital, &c.—*Con.*

Diseases.	Number of Cases.	Average Duration.	Remarks.
<i>Circulatory System.</i>			
Anæmia .....	1	8	Recovered ; returned to duty.
Palpitation of heart .....	1	2	do do do
<i>Surgery.</i>			
Adenitis .....	4	2	Two still under treatment.
Dislocated clavicle .....	1	29	Recovered ; returned to duty.
Frost bite .....	1	14	do do do
Gunshot wound .....	1	38	do do do
Minor surgery .....	92	4	do do do
Abscess in ear .....	1	8	do do do
<i>Special Services.</i>			
Conjunctivitis .....	2	6	Recovered ; returned to duty.
Ophthalmia .....	2	1	do do do
Corneal ulcer .....	1	6	do do do

P. AYLEN, M.D., C.M.,  
*Assistant Surgeon, N.W.M.P.*

## APPENDIX P.

## ANNUAL REPORT OF ASSISTANT SURGEON DODD, 1877.

REGINA, December, 1887.

SIR,—I have the honour in making this, my first annual report, to outline my work since the commencement of my connection with this Force, although prior to 1st October, the date of my appointment, I was only contingently engaged.

On the 13th of September my services were called into request owing to the absence of Senior Surgeon Jukes, whose presence was demanded by duty elsewhere. The sick parade and the routine medical duties of the post were taken by myself until the 4th October, when fever being reported as having broken out in the Wood Mountain detachment, I had the pleasure of offering to go to that point, where it was considered my services might possibly be of value.

Leaving Regina on the 5th, Wood Mountain was reached on the evening of the 8th, a delay arising on the road through the death of one of the horses used for my transport. On my arrival Staff Sergeant Tulloch, hospital steward, was found suffering from an attack of typho-malarial fever. By a course of that treatment, which I have found to be most successful in dealing with cases of this disease, which is peculiar to this country, the patient so far recovered that I was able to return to Regina on the 25th October. Two days after my return another despatch was received from Wood Mountain to the effect that Staff Sergeant Tulloch had suffered a relapse, and a request was made that I should again proceed thither. Arriving there on the 30th of that month, I found the patient improving, but a few more cases had unfortunately developed. By the 10th November, Staff Sergeant Tulloch being able to travel, was sent with Inspector Drayner, who was suffering from rheumatism, to headquarters. I remained at Wood Mountain attending to the other cases until the return of the division to this place, when I brought two patients sufficiently strong to undertake the journey.

Arriving at Regina on Thursday, 17th November, my patients, Sergeant Straton and Constable Roth, were placed in hospital.

The old post at Wood Mountain was in bad sanitary condition and not healthily situated, the buildings had become damp from decay and age. The old latrine pits had partially been filled up, and these had been used as receptacles for the filth of the post. As they were situated in the proximity of the houses, the miasmatic exhalations from them could not fail to be deleterious in the extreme, and no doubt contributed their share to producing the disease that caused my visit. The water, too, I was informed, had been used for all purposes, and was drawn from a small stream, which was polluted by settlers and Indians resident upon its banks, about one hundred yards from the post, and it was noticed by me that the water was actually polluted in the manner I suspected, as old skins were seen soaking therein, and other sources of contamination were noticed.

The new barracks are admirably located; they are on a hill, the sub-soil of which is gravel, which is surrounded by small ravines. Excellent water is to be had at a depth of 25 feet, and will be in no danger of pollution from any source if the spot for sinking a well is judiciously chosen. The buildings are both commodious and well arranged, reflecting great credit upon those who planned them, and arrangements for keeping them in excellent sanitary condition have been made by Superintendent Jarvis, the officer in command.

Two of the patients, Staff Sergeant Tulloch and Sergeant Straton, the first sent into headquarters on the 10th November and the latter brought in by myself with the Division, have both returned to duty.

Sufficient attention was not given, by the architect, to the ventilation of the buildings put up at Regina this year. This remark applies particularly to the new quarters for men and the hospital, in both of which ventilation is all important. The buildings are heated by dry hot air, and complaints are heard from the men that their sleep is not refreshing. Feverish colds, which are to be put down to lack of supply of proper air, are of constant occurrence. The ventilation of the hospital cannot be regulated although it should be possible to adjust it to perfection as a properly regulated air supply is of paramount importance.

I would recommend immediate changes, which after discussion with a gentleman expert in the subject of ventilation, I believe to be quite feasible, and if so desired will be happy to suggest.

The buildings, excepting in the respect just mentioned, are, from a sanitary point of view, all that could be desired. The latrine system which has been in vogue, is anything but as perfect as it should be, and dry earth disposal should be substituted for the present system.

The hospital is unfurnished with conveniences of this nature.

In conclusion of this my first report I would acknowledge the courtesy extended to me upon entering the Force, especially by Senior Surgeon Jukes my immediate superior.

I have not felt it incumbent upon me to touch upon other matters of sanitation and routine in connection with the Medical Department than those aforesaid, as no doubt this will be done by the senior surgeon. Appended hereto, by instructions of the Senior Surgeon, is the headquarters' sick report for the past year, also drugs and instruments for 1888 required.

I have the honour to be, Sir,

Your obedient servant,

HENRY DODD.

*Assistant Surgeon.*

The Commissioner North-West Mounted Police,  
Regina.

## APPENDIX Q.

## ANNUAL REPORT OF ASSISTANT SURGEON PARÉ, 1887.

NORTH-WEST MOUNTED POLICE,  
CALGARY, N. W. T., 19th December, 1887.

L. W. HERCHMER, Esq.,  
Commissioner North-West Mounted Police,

SIR,—I have the honour to tender you my annual report for the year ending 30th November, 1887.

On reporting for duty at headquarters, Regina, in the beginning of August, 1887, I was placed in medical charge of the post by the Senior Surgeon, but remained only a few days, being transferred to Calgary, where I relieved Assistant Surgeon Aylen and took medical charge of the post on 18th August. There were then four men off duty, two being in hospital. I had the honour to address you a special report concerning two of those cases, viz., Reg. No. 1122, Sergeant Major Kempster and Reg. No. 526, constable Douse.

Since I was attached to the division and also during the whole year as the "monthly returns" show, the general health of the men has been very good indeed, the majority of cases being the usual trifling ailments of the daily sick parade, and the remainder in great part the result of accidents. I am happy to state that I have no cases of death to record for the past year.

I would have drawn your attention to the unsatisfactory condition of the barracks in general, their insufficiency of space, &c., and to the dilapidated state of the hospital in particular, but I was informed that new buildings were to be erected this fall.

Twice I was sent on detachment, first to High River, and, secondly, to the Black-foot Crossing. From the first place I brought back a civilian who had been shot through the arm, he was attended to in the hospital here, and sent home cured. Both trips as far as our men were concerned, were medically speaking quite uneventful, there being no accidents of any description, and the health of the men keeping good.

On 2nd October, I was ordered to Kootenay, B. C., to attend some of the men sick with the fever, Dr Powell, the surgeon in charge being down with the fever at the time. As already stated in the special report of my trip to Kootenay, I found the Fever to be typhoid. I failed to see any local cause for the outbreak of the disease in the immediate surroundings of the camp. South of the camp across the Kootenay in the intervening space between this river and the mountains is a flat which was completely covered by the exceptionally high water of this spring's flood that carried thereon fallen trees, rotten wood and other vegetable matters, which under the influence of the *also exceptionally* great heat of this past summer, must have given forth deleterious exhalations to which this fever might be attributed. The camp and barracks are beautifully situated on a flat sandy elevation which, covered with large pine trees, gently slopes from north to south, on three sides of which is a high cut bank, separate from a lower flat on the east side. A few hundred feet below this plateau, the Wild Horse River rushes by, making for itself at the first obstacle, a new channel through its gravelly bed from the west side and sweeping gracefully around the southern and front point of the barracks, the Kootenay, to which the St. Mary has just added its waters, flows also with considerable rapidity. All around (on all sides) at short distance and dominating the plateau by a few thousand feet are the lofty peaks of the Rockies, the Wild Horse Pass, &c., the Purcell and Selkirk Ranges. This description, as exact as I possibly can make it, is to place the Senior Surgeon in

---

possession of the facts concerning the camp and its surroundings. The little abandoned channels of the Wild Horse above mentioned dry very quickly, leaving hardly any mud on the gravel. There is no vegetable matter apparent in the whole bottom; nothing but gravel, and as stated, I am informed that the overflowing of the flat across the Kootenay is exceptional.

I cannot close this report without begging liberty to draw your attention to the ability, zeal and punctuality with which Sergt. Graydon, the hospital sergeant of this post, performs his duties; a more accurate, better informed and more conscientious dispenser cannot be desired, and if I might be permitted, I would like to express the opinion that his services well deserve the rank and pay of a staff sergeant.

I have the honour to be, Sir,

Your obedient servant,

L. A. PARÉ,  
*Assistant Surgeon.*



## NORTH-WEST MOUNTED POLICE.

ANNUAL Sick Report, for Calgary, for Year ending November 30, 1887.

Disease.	Number of Cases.	Number of Days.	Average Duration.	Surgeon's Remarks.
Abrasion .....	1	2	2	Cured.
do of penis .....	1	1	1	do
Abscess .....	1	16	16	do
Adenitis .....	1	12	12	do
Anæmia .....	1	1	1	do
Angina pectoris .....	1	2	2	do
Balinitis .....	2	9	4½	do
Billousness .....	20	40	2	do
Bolls .....	10	45	4½	do
Bronchitis .....	4	43	10½	do
Bronchial asthma .....	1	1	1	do
Bruise .....	4	11	2½	do
Burned hands .....	1	1	1	do
Oatarrh .....	2	3	1½	do
Carious teeth .....	5	8	1½	do
Cephalalgia .....	4	10	2½	do
Chancre .....	1	15	15	do
Chills and fever .....	4	60	15	do
Cough and colds .....	72	108	1½	do
Colic .....	3	10	3½	do
Constipation .....	12	26	2½	do
Contusion .....	15	90	6	do
Conjunctivitis .....	2	11	5½	do
Coryza .....	3	3	1	do
Debility .....	3	12	4½	do
Deformity of chest .....	1	6	6	do
Diarrhoea .....	33	54	1½	do
Dyspepsia .....	6	9	1½	5 cured; 1 gone to Edmonton under treatment.
Ear-ache .....	1	1	1	Cured.
Eczema .....	1	1	1	do
Erythema .....	2	10	5	do
Extractio dentis .....	4	4	1	do
Eruption of scalp .....	1	15	15	do
Fever .....	1	26	26	do
do bilious .....	1	11	11	do
do urethral .....	1	23	23	do
Fracture of clavicle .....	2	58	29	Transferred to Regina.
Frost-bite .....	2	41	20½	Cured.
Functional disturbance .....	4	11	2½	do
Gastritis .....	3	9	3	do
Gunshot wound .....	2	62	31	Transferred to Regina.
Gleet .....	5	8	1½	3 cured; 2 gone to Edmonton under treatment.
Gastric disturbance .....	5	11	2½	Cured.
Hæmorrhoids .....	6	79	13½	do
Indigestion .....	3	3	1	do
Injury to spine .....	1	7	7	do
Irritation of bladder .....	1	6	6	do
Laryngitis .....	1	6	6	do
Lead colic .....	1	1	1	do
Lumbago .....	8	14	1½	Cured.
Myalgia .....	1	6	6	do
Nettle Rash .....	1	1	1	do
Neuralgia .....	5	18	3½	do
Nervousness .....	1	1	1	do
Odontologia .....	11	13	1½	do
Ophthalmia .....	1	3	3	do
Pain in chest .....	2	7	2½	do
Pain in side .....	1	2	2	do
Palpitation .....	1	3	3	do
Pleurisy .....	1	6	6	do
Phymosis .....	1	14	14	do
Rash .....	4	10	2½	do

**NORTH-WEST MOUNTED POLICE.**  
**ANNUAL Sick Report for 1887.**

Diseases.	Number of Cases.	Number of Days.	Average Duration.	Surgeon's Remarks.
Rheumatism .....	16	193	12 $\frac{1}{10}$	Still under treatment. 13 cured. 2 transferred to Regina.
Rheumatic pains .....	1	1	1	Cured.
Saddle chafe .....	2	37	18 $\frac{1}{2}$	do
Seminal emissions .....	2	2	1	do
Sore hands .....	2	6	3	do
do lips .....	1	1	1	do
do arm .....	1	12	12	do
do throat .....	17	34	2	do
do knee .....	1	1	1	Still under treatment.
do feet .....	1	1	1	Cured.
Sciatica .....	2	10	5	do
Sprain .....	6	7	1 $\frac{1}{2}$	do
Strain .....	13	65	5	do
Strained back .....	1	5	5	do
Stricture .....	1	1	1	do
Syphilis .....	4	52	13	2 still under treatment.
do ter. .....	1	2	2	do
Synovitis .....	1	7	7	Cured.
Sprained shoulder .....	1	64	64	Taken discharge.
do ankle .....	2	17	8 $\frac{1}{2}$	Cured.
do thumb .....	1	3	3	do
Tinea sycosis .....	1	6	6	do
Tonsillitis .....	2	3	1 $\frac{1}{2}$	do
Tumor .....	1	5	5	Transferred to Regina.
Ulcerated gums .....	1	6	6	Cured.
Varicocele .....	1	55	55	Transferred to Regina.
Varicose veins .....	4	38	9 $\frac{1}{2}$	
Venereal sore .....	1	20	20	Cured.
Witlow .....	1	19	19	do
Wound in foot .....	2	8	4	do
do hand .....	2	10	5	do
do knee .....	1	37	37	do
do lip .....	3	5	1 $\frac{1}{2}$	do
do punctured .....	1	1	1	do
do scalp .....	1	4	4	do
Wrenched knee .....	1	7	7	do

**L. A. PARÉ,**  
*Assistant Surgeon.*

## NORTH-WEST MOUNTED POLICE.

KOOTENAY, B. C. 31st October, 1887.

The Senior Surgeon  
North-West Mounted Police.  
Regina.

SIR,—I have the honour to report that in compliance with instructions transmitted to me (by Inspector Wattam, Officer Commanding Calgary,) at 10.35 o'clock, 1st, October 1887, I left Calgary the same night by the Canadian Pacific Railway for Golden from there to proceed to the camp of "D" Division at Kootenay, B. C. It was only 26 hours after my arrival at Golden that I was enabled to leave by the Steamer "Duchess" and owing to many adverse circumstances I reached Spallumcheen (a distance of forty miles up the Columbia River) at 4 p.m. of the 4th October. From this point the journey was to be completed on horseback. I was enabled to leave Spallumcheen at 8 o'clock next morning and reached Windermere at 8.30 p.m. the same night. There, Superintendent Steele was awaiting the arrival of a doctor and had pack horses to send him through. We left Windermere next morning and were detained on the way to examine and prescribe for some men of the detachment who were sick at "Sam's Landing". Constable Lendrum had been in bed three days suffering with neuralgia; Constables Craig and Taylor had suffered and were still suffering with headache and diarrhoea. As these men were not then exhibiting any marked signs of fever I concluded to send them medicine and await further developments and consequently had it sent on my arrival at the camp.

On account of the necessary delay I could not proceed further than the Hot Springs that day. That night our horses stampeded and broke out of the corral, therefore we were unable to leave until 11 o'clock next day. At a distance of eight or ten miles from this place I met a courier (with despatches for Superintendent Steele) who informed me that Constable Street was very sick, alone and unable to move, at Doyle's Camp. To go to him added six miles to my journey, as I had to go three miles around the Kootenay and return. There I found Constable Street in a very bad state of fever and nervousness, the skin was hot and dry there was much tenderness of the abdomen, the pulse was weak and at 90 per minute, temperature 102½. It was completely out of the question to take him to camp. I instructed Constable Rupert to remain with him until relieved, and proceeded alone with as little delay as possible towards the camp. Not knowing the road I had to remain at Messrs. Aylmer & Humphreys Rancho for the night as it was already too dark to see the trail. There I found Constable Fisher who according to all symptoms had been suffering from fever for some time as there was already much tenderness of the abdomen and also a good crop of the rose-colored spots.

He had been working until five o'clock that day, and had only stopped work through sheer exhaustion. Mr. Humphrey had tried to persuade him to quit work but without avail. Constable Fisher was very anxious to come to camp and as it was almost impossible to leave him there, I decided to take him into camp. I reached the Kootenay Camp in time for sick parade next morning (8th October). Dr. Powell sen. Indian Commissioner for this District, was in charge. Dr. Powell, jun., being down with typhoid fever. There were also Sergeant Roby and four constables.

Three of the patients Dr. Powell, Sergeant Roby and Constable Smythe were in a little building 20x19, which through the kindness of the Indian Commissioner (to whose Department the building belonged) was used as a hospital. The rest of the patients were under canvas, a very undesirable circumstance considering the lateness of the season, and the special type of fever. From my arrival on the 26th October, I had the pulse and temperatures carefully registered, as also the administration of every dose of medicine, food, &c., so as to enable any one at any time to study each individual case in all its phases and details.

On the 19th Constable Mason (who since the beginning had exhibited such severe symptoms of *abdominal form*) had intestinal hæmorrhage.

A great state of prostration followed. The heart at first responded to the administration of stimulants, the pulse after having been quite imperceptible became better. But a second hæmorrhage occurred during the day. Again he rallied after a hypodermic injection of ether, &c., a third hæmorrhage took place in the evening of the 20th and he died at 9 p.m.

Constable Fisher, who throughout also exhibited very severe abdominal symptoms, excessive tenderness and *tympoitis*, had a sudden change in the evening of the 24th, when he complained of great pain in a circumscribed spot about one inch and a half in diameter, in the right iliac torso and as he described it had a feeling of something pouring or running out. I immediately came to the conclusion that the bowels were perforated. Other symptoms subsequently confirmed this opinion. He had previously passed clots of blood twice, and died at 6:10 a. m., on the morning of the 26th.

I propose sending in a subsequent report of all charts and notes in connection with each case.

The temperatures were very carefully taken and always verified by the hospital orderly, Constable Hayne, or myself (as the case might be) before registering them. A couple of days after my arrival, two more cases of fever came under my notice and as the cases appeared to be severe (their temperature being 104) I had them removed to the hospital at once, and Constable Smythe who was convalescent was removed to the hospital tent to make room for them.

They are all now doing well and according to all appearances quite out of danger. Dr. Powell though not very strong yet is now quite capable of attending all emergencies that may arise in the camp. Although I think it would be too trying for him to go out any great distance.

Before concluding I suppose I may be permitted to declare that I have received from Superintendent Steele the most hearty and intelligent support that a medical man could expect from the officer commanding.

The Hospital Steward Staff Sergeant Mercer is perfectly qualified for all the duties of an intelligent dispenser, and never hesitates to perform the duties of nurse whenever the case seems to require it. The nurses, Constables Hayne and Whitehead have done all in their power to alleviate the sufferings of their sick comrades. Constable Hayne having had long experience in a London hospital as nurse, would strongly recommend that he should remain on as hospital orderly and draw the extra pay of fifteen cents per diem. Constable Knight (who I sent to nurse Constable Street at the Kootenay Crossing) must have been up day and night, his reports giving every spoonful of medicine and food given to the patient, also temperatures, pulse, &c., in a word the nurses carried out their instructions, to the letter and deserve the greatest praise for their zeal and spirit of discipline.

I have the honour to be, Sir,

Your obedient servant,

L. A. PARÉ,

Assistant Surgeon.

## APPENDIX B.

## ANNUAL REPORT OF ASSISTANT SURGEON POWELL, 1887.

Kootenay, District, B. C., 29th November, 1887.

The Officer Commanding North-West Mounted Police,  
Kootenay District, B. C.

Sir,—In accordance with instructions I have the honour to forward my report for the five months during which I have been attached as medical officer of this division.

Receiving orders from the Comptroller, I left Ottawa on Wednesday evening, 29th June, en route for Golden, B. C., but on passing Regina I received a message to stop off until further orders, and accordingly reported myself at the barracks on Sunday morning. On Tuesday I received instructions to report myself to Superintendent Steele at Golden B. C., as soon as possible, and left by the train that night arriving there Thursday morning, 7th July, and reported myself at once. On assuming medical charge of the Division I found the health of the men and the sanitary condition of the camp to be most satisfactory.

Being delayed in Golden two weeks, owing to the capsizing of the steamer "Duchess" which resulted in great loss to both drugs and supplies, we proceeded on the morning of Wednesday, 20th July, for the Kootenay District. I deemed it necessary to leave behind three men as I considered them unfit to undertake the journey there, and left Staff Sergeant Mercer in charge of them.

After a somewhat tedious journey we arrived at Six Mile Creek on Friday, 30th July. I was here requested by the Superintendent to examine closely into the sanitary condition of the site which had been selected for the erection of our barracks. After inspecting the grounds and surroundings carefully, I deemed it necessary to report against the site for two reasons:—Firstly—the ground which is elevated looks over an immense swamp. Secondly—Six Mile Creek from which we would have to derive our water supply I found to take its origin in a big slough. The next day was spent in selecting a more suitable place and on Sunday afternoon, 1st August, we left for Galbraith's Ferry, the point selected and camped in the rear of the present situation of our barracks.

Our present site is an elevated tract of ground overlooking the Kootenay River and having in the front, in the distance, the Selkirks, to the left Wild Horse Creek and in the rear the Rockies.

During the months of July and August the health of the division continued satisfactory, but in September an outbreak of fever occurred. This outbreak I considered to be of a somewhat similar nature to that which occurred at Battleford last autumn, viz., typho-malarial, otherwise known as mountain fever.

In touching upon the Etiology of the outbreak I feel that I am entering upon a difficult subject. The camp was certainly kept in good condition, the latrines were regularly covered with earth, &c. The only way in which I can at all account for it is the fact of having had a very warm summer, the heat at mid-day being most intense, while at mid-night it was very damp and cold, our blankets in the morning, being covered with a thick mist. During the hottest portion of the summer, also, a branch of Wild Horse Creek, which had previously been running, dried up. These influences, combined, would, in my estimation, prove sufficient to cause the decomposition of vegetable and animal matters which may have been exposed and poisoned the atmosphere.

Be the cause what it may, eleven of us were prostrated with it, resulting unfortunately, in three deaths. I am happy to state, that, of the remaining eight, six have been returned to duty, two only being at present in hospital, and they are fast convalescing. No new cases have presented themselves, and I trust the disease is at an end.

During the outbreak we were amply supplied with quinine, hospital comforts, and everything which would in any way tend to promote the well being of the patients. With respect to surgical cases, we have had but very few, and they were of a very minor character; not a single case of fracture or dislocation occurred. Of specific troubles there were only three cases, and they were of old standing, not a single case of gonorrhoea having presented itself.

During the erection of the barracks, which were built entirely by our own men, over one thousand trees being felled for that purpose, I am happy to state that not a single accident occurred, which I consider speaks very highly for the men of the Division.

The barracks being now completed, and the men comfortably settled, the health of the division is more satisfactory. Our hospital building, 40 by 25 feet in dimensions, containing a large ward, mess room, kitchen, surgery and bed room, is comfortable, and I consider it to be fully large enough, and in every way satisfactory.

In closing my report I feel that I cannot do so without expressing gratitude to Dr. Powell, Indian Commissioner of Victoria, who happened to be in the neighborhood when I was taken ill, and kindly stayed and attended to the sick previous to the arrival of Assistant Surgeon Paré from Calgary, on the 4th October; to Mr. Phillips, Indian Agent here, who gave up his house to be used as an hospital until the completion of our new building. I also beg to express appreciation for the promptness with which the drugs and hospital comforts requisitioned for were despatched to us.

Lastly, I would recommend that this post be supplied with a more complete set of surgical instruments and appliances.

I enclose you the sick report for the four months from 1st August to 30th November. The average on the daily sick report was 8.52.

I have the honour to be, Sir,

Your obedient servant,

F. HAMILTON POWELL, M.D.,  
*Assistant Surgeon.*

**NORTH-WEST MOUNTED POLICE.**  
**ANNUAL Sick Report for Kootenay, B. C., for the Year 1887.**

Diseases.	Number of Cases.	Number of Days.	Average Duration.	Surgeon's Remarks.
Abscess .....	1	2	2	Returned to duty.
Biliousness .....	5	20	4	do
Bubo .....	2	50	25	do
Bronchitis .....	2	16	8	do
Bruises .....	3	12	4	do
Out hands .....	2	8	4	do
Out feet .....	2	21	11	do
Colds .....	2	7	3½	do
Constipation .....	1	19	19	do
Diarrhoea .....	42	84	2	do
Debility .....	2	90	45	do
Furuncle .....	1	2	2	do
Fever, Mountain .....	11	325	29½	Three cases died. Two under treatment.
Headache .....	2	14	7	Returned to duty.
Lumbago .....	3	12	4	do
Nail wound .....	1	2	2	do
Neuralgia .....	2	14	7	do
Odontalgia .....	1	2	2	do
Otalgia .....	1	3	3	do
Rheumatism .....	2	4	2	do
Sprained ankle .....	1	3	3	do
Tape worm .....	1	9	9	do

**F. HAMILTON POWELL, M.D.,**  
*Assistant Surgeon.*

---

APPENDIX S.

---

## ANNUAL REPORT ACTING ASSISTANT SURGEON BAIN, 1887.

PRINCE ALBERT, 30th November, 1887.

SIR,—I have the honour to present you with the annual sick report for this post for 1887.

I enclose detailed statement of cases of any importance, treated here. On reference to this it will be seen that there has been remarkably little serious illness among the men during the year. Two men were recommended to be invalided—one Regimental No. 940 Constable Peasnell for general debility and disease of the kidneys the other Regimental No. 1561, Constable Barrett, for pain in the hip, the result of an old dislocation.

The men are now most comfortably quartered in the new barracks which have been occupied since August last. At present one of the barrack rooms is being used as an hospital. It is, however, not at all suitable for such a purpose. I would strongly recommend that a proper hospital capable of accommodating at least ten patients, with rooms for surgery, hospital, sergeant's quarters and kitchen be built.

¶ We have a good supply of drugs on hand, but are in need of more surgical instruments and appliances.

I have the honour to be, Sir,

Your obedient servant,

HUGH U. BAIN, M.D.

*Acting Surgeon.*



**NORTH-WEST MOUNTED POLICE.**  
**ANNUAL Sick Report for Prince Albert for the Year 1887.**

Diseases.	Number of Cases.	Number of Days.	Average Duration.	Surgeon's Remarks.
Abscess .....	1	20	20	Cured.
Acne .....	1	4	4	do
Contusions .....	15	30	2	do
Colds .....	50	101	2	do
Debility .....	1	4	4	do
Dislocation of thumb .....	1	58	58	do
Dysuria .....	1	5	5	do
Felon .....	1	18	9	do
Frost bites .....	2	13	6	do
Furunculus .....	6	18	3	do
Gonorrhoea .....	1	21	21	do
Hives .....	1	10	10	do
Indigestion .....	1	2	2	do
Lumbago .....	10	20	2	do
Nephritis .....	1	82	82	Recommended to be invalided.
Neuralgia .....	6	9	1½	Cured.
Pneumonia .....	1	28	28	do
Pain in hip .....	1	48	48	Recommended to be invalided.
Rheumatism, muscular .....	13	39	3	Cured.
Rheumatism, acute .....	1	22	22	do
Pharyngitis .....	6	8	1½	do
Sympathetic bubo .....	1	10	10	do
Ulcer on leg .....	1	46	46	Under treatment.
Tonsillitis .....	1	6	6	Cured.

PRINCE ALBERT, 30th November, 1887.

HUGH N. BAIN, M.D.,  
*Acting Assistant Surgeon.*

## APPENDIX T.

### ANNUAL REPORT OF ACTING ASSISTANT SURGEON TULLOCH, 1887.

FORT SASKATCHEWAN, 3rd December, 1887.

SIR,—I have the honour herewith to submit the annual sick report of this hospital, for the year ending on the 30th day of November, 1887.

It gives me pleasure to report as to the healthy state of this division, there being comparatively few cases of illness or accident; those occurring being trivial, save the case of poisoning which was almost fatal. Regarding it, the patient took a full teaspoonful of tartar emetic from an ounce packet which lay on a shelf in the new quarters, "as an emetic to clear his head." In three-quarters of an hour he was comatose. It was four and one-half hours ere he was out of danger.

One patient was sent to Regina unwell, being unfit for duty here. He had been ailing quite a long time ere he was invalided.

The house used as a hospital is much more comfortable than it was last year. Still there is so much room for improvement, that a properly constructed hospital is required.

The stock of drugs is full and satisfactory.

I herewith enclose estimates for drugs, &c., required for the medical and veterinary departments during the year 1888.

During the autumn six neat iron bedsteads and fittings arrived, which are a great boon, and render the hospital fairly comfortable for the patients.

The new quarters, "old log buildings renovated," though comparatively comfortable, are rather small and badly ventilated, thereby necessitating over crowding with colds and catarrhs as a sequence.

I have the honour to be, Sir,

Your obedient servant,

D. TULLOCH, M.D.

The Commissioner, N. W. M. P., Regina.

## APPENDIX U.

ANNUAL REPORT OF ASSISTANT, VETERINARY SURGEON BURNETT  
1887.

REGINA, 20th December, 1887.

SIR,—I have the honour to present you with my first annual report for the year ending this day.

As I have not had an opportunity of visiting all the outposts and making a personal inspection of the horses, this report must necessarily be incomplete.

The general health of the horses at present, I am happy to say, is good, and they are free from all contagious and infectious diseases. During the past year a couple of cases of glanders were discovered, but as the infected animals were promptly destroyed and every precaution taken to prevent the spread of the malady no further outbreak has occurred. However, this is a disease we must always be on the watch for, as there are so many horses in this country affected with this scourge, that it is almost impossible to prevent Police horses from coming in contact with infected animals and places. One of the most fruitful distributing points I may say of the contagium of this disease is the stopping place stable, found on all the principal trails of this country, and it will not be over-stepping the mark to say that within the past two years glandered horses have been fed in all of these stables. And I believe there are a great many people in this country who are keeping and working glandered horses and are ignorant of the fact.

Deaths from disease have been comparatively few this year, when it is taken into consideration the work the Police horses are called upon to perform, and the hardships they very often undergo, the distances sometimes travelled under scorching summer sun or facing the cold blasts of winter, the thermometer registering at times 20°, 30° and 40° below zero the shelter they often get at night being very poor. It is simply a wonder that there are not more deaths to record in a year's history of the of the Force than what there are. And I have no doubt that there would be a great many more if it was not for the good care that is taken of them, by the men having them in charge, where opportunity presents. Any person who has ever travelled any distance with men belonging to this Force must have noticed this.

Another thing that I am satisfied has been the means of saving the lives of many valuable animals, is providing the men when about to start on a journey with medicines for the treatment of some of the commoner complaints, which if allowed to run on would in a great many cases result fatally.

While on duty away from the posts there have been three fatal accidents: two horses were drowned while attempting to ford Old Man's River; the other one killing itself by jumping over a cut bank.

Any Divisions that I have visited are very well supplied with stable accommodation with the exception of the depot. The new stables built at Prince Albert the past summer are first class as far as light, ventilation and heat are concerned, and as they are situated on a slight elevation there is good drainage. I have visited these stables at one o'clock in the morning (with the thermometer outside registering 20° below zero) and found them very comfortable, and an entire absence of that suffocating smell generally found in warm stables at that hour when the doors are closed. In building new stables, however, there are certain alterations in the Prince Albert plans, I would strongly recommend in the mangers and the flooring in the stalls.

The mangers should not be over 2½ feet in height. The oat boxes should be arranged so that they could be taken out and cleaned.

The floors in the stalls should be boarded or planked just about half way up and the front portion filled in with clay on a level with the plank, thus giving the horse a moist and natural surface for his fore feet. The back part should be planked for the sake of cleanliness.

The clay floors have been given a trial in some of the depot stables and in the "E" Division stables and they have given the best of satisfaction.

I believe if this plan were universally adopted throughout the Force we would have no more complaint from the blacksmiths about the horses' feet being hard and dry, and groggy and sore footed horses would be a thing of the past, as this is a very important matter, a little further explanation may not be amiss.

Take a horse, for instance, that has always lived in a natural state; has always run wild; corns, contracted feet or chronic laminitis are diseases unknown to him. And why? Because his feet get a sufficient amount of moisture to keep them healthy, the frog, sole and wall of the hoof bear the weight that nature intended they should; but take that horse and put him in a stable where he will have to stand on boards, have him shod, and while he is in the stable the frog is raised clear off the ground; the most of the weight comes on the wall; he gets no moisture; and what is the result? a lame horse. But, by having a clay floor for him to stand on, the shoe will sink into the clay, the frog and sole bear a portion of the weight, he gets the moisture necessary and the foot is kept healthy.

The saving in the cost of a floor of this description should be quite an item.

The new hospital stable built at Prince Albert the past summer is first-class in every particular; it has good light, ventilation and drainage. There are seven good roomy box stalls and two single stalls; two of the box stalls are set apart for contagious or infectious diseases and are separated from the others by the surgery and boiling room. The stalls are fitted with movable mangers and oat boxes and with sling attachments above, there is also a small tank arranged over one stall for the purpose of showering, whenever such treatment is necessary.

I would recommend that each division be supplied with an infirmary, built on the same plan as this one. I believe the saving in horse flesh by having a proper place to treat the sick, would amply repay the outlay.

The majority of saddle horses now used by the Force are bronchos or natives, they having been found very much superior to the eastern horses; when once broken they are more tractable, stand the long hard journeys better, are easier kept, and there is no time wasted in waiting for them to become acclimatized. Those purchased within the last two years will average about 15 hands 1 inch in height, and these are found plenty big enough. My opinion is, the smaller horses stand the work the best. The trouble being the big horses have, as a rule, not as good backs, and are not as well coupled as the small horses, and are, therefore, not as good weight carriers. This is a very important point in choosing a saddle horse, and I would recommend that the standard be lowered from 15 hands to 14½, for I believe we miss a great many really first-class horses by keeping the standard up. There are other points too in favor of the small horse; in travelling they are much easier on themselves, require less food, and I think they can be purchased cheaper. Of course there are some stout horses required for the heavy weights of the Force, and as I believe it is your intention to make team horses of the heaviest of the saddle horses, as they are required, there can be no mistake made in buying some big horses.

I would recommend that, say eight of the heaviest of the saddle horses of each division be broken to harness so that in case of emergency they could be used, and if carefully handled the breaking would not hurt them for the work they were originally at. Our best saddle horses come from British Columbia and Oregon. This is due to the fact that the breeders in the above mentioned countries have been using thoroughbred stallions with the native mares for a much greater length of time than the breeders in Montana and Alberta, but judging by the number of thoroughbred horses that have been brought into the Territories the past year for use on the ranches it will not be long until the horses bred in this country will be equal to any in the world.

The team horses are principally from the east and the great fault with them is they are too heavy for anything like fast work this can be said especially of those purchased in 1886, and there are times when this is a very serious fault, but as we gradually draw on the ranks for our team horses this fault will be rectified.

In purchasing horses I think the best time would be in the fall of the year, by so doing it would give them a better chance to fill out, as the work in winter is not as hard as it is in the summer, or what would perhaps be better buy in the spring and let them run on the range until the fall, we would then have more to pick from.

The horse shoes mostly used by the Force are I believe known as the Montreal shoe, and there have been a great many complaints made against them, the principal one being that they break very easy and in a number of cases I have known them to break the same day they were put on. Lately, however, we have been using a shoe known as the Rhode Island pattern, so far they have proved satisfactory.

If not out of place I would like to say a word or two re the Hatchings saddle, made in Winnipeg. I consider this a good serviceable saddle for the Force, having practically tested it, and for work in those districts requiring double cincha saddles it is particularly well adapted. The manufacturer seems to have taken every pains to equal at least the San Francisco saddle of Main and Winchester, with two of the best trees in use in the United States, the Goodell and Viscilia. I consider for Police service that durability and lightness have been combined in the Hatchings saddle, and would recommend that they be adopted throughout the Force and thus place us in a more independent position as to our own market in such an important part of our equipage, than being as heretofore solely dependent on the American manufacture which might be closed to us with fatal results.

The fodder supplied the Force at the different posts I have visited is of first class quality, the oats this year being especially good, and are superior to any I have seen raised in the east.

The drugs supplied the veterinary department are first class in every particular, and so far have heard no complaints.

The veterinary instruments purchased in Toronto are also first class, and are equally as good as those of English manufacture, the cost being a little over one-half of those purchased in England.

I enclose you a list of horses that have died the past year.

I have the honour to be, Sir,

Your obedient servant,

J. F. BURNETT, V.S.,  
*Assistant Veterinary Surgeon.*

To the Commissioner  
North-West Mounted Police,  
Regina.

**RECAPITULATION of cases disposed of in the North-West Territories, from the 1st December, 1886, to 30th November, 1887.**

Case.	Regina.	Prince Albert.	Maple Creek.	Battleford.	Calgary.	Edmonton.	Macleod.	Total.
Assault.....	11	3	2	6	2	5	15	44
Larceny.....	16	1	1	6	3	6	6	38
Illegal possession of liquor.....	8	1	5	3	23	2	22	64
Selling intoxicants.....	7	1	1		5	3	7	24
Non-payment of wages.....	1		1	5	15			22
Murder.....	5					2		7
Shooting with intent to kill.....	1							1
Larceny from the person.....	1						1	2
Gambling.....	7				2			9
Creating disturbance.....	9	3		2	1		2	17
Deserting employment.....	1				2			3
Attempting to murder.....	1							1
Accessory do.....	1							1
Horse stealing.....	5				1	1	2	9
Lunatics.....	6				1	1	3	11
Cruelty to animals.....	1				1			2
Vagrancy.....	3	1	4		5		1	14
Trespass.....	3							3
Receiving stolen property.....	1						1	2
Indecent assault.....	1				1			2
Malicious injury to cattle.....	1			1				2
Threatening to shoot.....	1							1
Drunk.....			6	3	10		28	47
Drunk and disorderly.....	1		5		1	2		9
Drunk and using obscene language.....			2					2
Disturbing public worship.....	1							1
Killing cattle.....		1			2		2	5
Selling intoxicants to Indians.....		1					1	2
Miscellaneous.....	9		2		12	3	13	39
Obtaining money under false pretences.....	2							2
Threatening language.....	1							1
Setting fire to prairie.....	1			1				2
Perjury.....	1							1
Forgery.....	1				5			6
Having stolen property in possession.....	1						2	3
Having N.-W. M. P. property in unlawful possession.....			1					1
Malicious injury to property.....				1				1
Libel.....					2			2
Importing liquor.....					2		1	3
Embezzlement.....					1		1	2
Wounding.....					1			1
House-breaking.....					1			1
Keeping a gambling house.....					1		2	3
Theft.....					2			2
Having an illicit still in possession.....						2		2
Concerned in manufacture of illicit liquor.....						2		2
Arson.....							1	1
Smuggling.....							2	2
<b>Total.....</b>	<b>109</b>	<b>11</b>	<b>30</b>	<b>28</b>	<b>102</b>	<b>29</b>	<b>113</b>	<b>422</b>

RETURN of Criminals and other Cases Tried in the North-West Territories, from 1st December, 1886, and 30th November, 1887.

Date of Arrests. or Summons	Prosecutor.	Defendant.	Offence.	Date of Conviction or Acquittal.	Penalty.	Remarks.	If tried by Jury.	Where Tried	By Whom Tried.
1886.				1886.					
Dec. 11	The Queen.....	Alex. Belgarde...	Larceny .....	Dec. 15	1 month hard labor	Dismissed.....	No.	Regina.....	H. Richardson, S.M.
do 11	do	Chas. McDougall...	Illegal possession of li- quor.	do 17	do	Dismissed.....	do	do	do
do 19	do	Harry Webber...	Larceny .....	do 28	do	Discharged.....	do	do	do
do 22	do	R. E. Hall.....	Selling intoxicants .....	do 28	Fined \$50 and costs	do	do	Wolseley.....	T. O. Bray, J.P.
do 1	J. Lemeburner...	Wm. Peters.....	Assault.....	do 28	do \$4 do	do	do	Qu'Appelle...	G. S. Davidson, J.P.
1887.				1887.					
Jan. 6	Wm. Williamson	C. H. Westbrook	Malicious injury to a dog	Jan. 6	Fined \$5 and costs	do	do	Moosomin...	J. Hewgill, J.P.
do 12	The Queen.....	H. Ireton.....	Selling intoxicants .....	do 13	do \$50 do	do	do	do	Supt. Gagnon, T. O.
do 12	do	S. L. Emanuels...	do	do 13	do	Dismissed.....	do	do	Dunn, J.P., J. Dan-
do 12	do	J. Cook.....	do	do 13	do	do	do	do	iels, J.P., and J.
do 12	do	Wm. Hamilton...	do	do 13	Fined \$50 and costs	do	do	do	Hewgill, J.P.
do 15	J. W. Leamy.....	S. Wilson.....	Falsifying voters' list...	Feb. 1	do	Dismissed.....	do	Whitehead.	C. Osgrain, J.P.
do 17	S. Wilson.....	J. W. Leamy...	Retaining money, pro- perty of School Trustees	do 1	do	do	do	do	do
do 27	The Queen.....	S. Wilson.....	Larceny from the person	do 1	do	Acquitted.....	Yes	do	Judge Richardson.
Feb. 13	Chas. Taylor.....	A. Laroque.....	Non-payment of wages...	do 14	Judgment for \$16.	do	No.	Qu'Appelle	R. Smith, J.P.
do 14	The Queen.....	E. W. Smith.....	Illegal possession of li- quor.	do 14	Fined \$50 and costs	do	do	Whitehead.	T. Osgrain, J.P.
do 19	do	S. Wilson.....	Selling intoxicants.....	do 25	do	Dismissed.....	do	do	M. Blythe, J.P.
Mar. 2	Mary A. Buckland	Jos. Buckland...	Assault.....	do 3	Fined \$1.....	do	do	Mooselaw...	E. C. Alexander, J.P.
do 11	The Queen.....	Dressy Man.....	Murder.....	do 11	do	Acquitted.....	do	Regina.....	Judge Richardson.
do 22	Robt. Shore.....	Simeon Guion...	Larceny.....	do 11	do	Case withdrawn...	do	Fort Qu'Appelle.	R. R. Smith, J.P.
April 2	The Queen.....	Louis Guion.....	do	do 4	do	Discharged.....	do	Qu'Appelle...	G. S. Davidson, J.P.
do 3	do	Annie Lewis.....	do	do 4	Fined \$10 and costs	do	do	do	A. McLean, J.P.
do 7	do	Day Thunder...	Shooting at with intent to murder.	do 18	3 years in peniten- tiary	Pleaded guilty.....	do	Regina.....	Judge Richardson.
do 9	Const. Johnson.	G. Smith.....	Gambling.....	do 11	Fined \$2 and costs	do	do	Qu'Appelle...	G. S. Davidson, J.P.
do 9	do	J. Scott.....	do	do 11	do	do	do	do	do
do 9	do	O. Talbot.....	do	do 11	do	do	do	do	do
do 9	do	Wm. Emmand...	do	do 11	do	do	do	do	do

[illegible]



## RETURN of Criminal and other Cases Tried in the North-West Territories, &amp;c.—Continued.

Date of Summons or Arrest.	Prosecutor.	Defendant.	Offence.	Date of Conviction or Acquittal.	Penalty.	Remarks.	If Tried by Jury.	Where Tried.	By whom Tried.
1887.				1887.					
July 14	Const. Austen...	Harry Smith .....	Drunk and creating a disturbance.	July 16	Fined \$5 and costs	.....	No.	Whitewood.	J. G. Lyons, J.P.
do 25	J. W. Larry .....	Samuel Wilson .....	Trespass.....	do 25	do \$50 do ..	.....	do	do	do
do 25	do .....	Jas. Taylor .....	do .....	do 25	do \$30 do ..	.....	do	do	do
do 3	The Queen .....	Thos. Turner .....	Receiving stolen property	do 25	.....	Discharged.	do	do	do
do 3	Edith Biggins .....	J. Hudson .....	Indecent assault .....	do 19	.....	do	do	Moosomin.	Judge Wetmore.
Aug. 1	The Queen .....	Henry Miller .....	Drunk and creating disturbance.	Aug. 2	Fined \$5 and costs	.....	do	Regina .....	Supt. R. B. Deane and Hy. Lejeune, J.P.
do 1	do .....	Arthur O'Kell .....	Using unlicensed billiard table.	do 27	.....	Dismissed .....	.....	do	do
do 13	do .....	Louis Curry .....	Dangerous lunatic .....	do 27	.....	Committed to Selkirk Asylum by the Lt.-Governor	.....	.....	.....
do 18	do .....	S. J. Emanuels .....	Illegal possession of intoxicants.	do 22	Fined \$50 and costs	Confirmed on appeal.	.....	Moosomin.	Supt. Deane and J. Daniels, J.P's.
do 20	do .....	Chas. Irving .....	do .....	do 22	do .....	Committed to Selkirk Asylum by the Lt.-Governor	.....	do	do
do 26	do .....	Geo. Childs .....	Dangerous lunatic .....	do 25	.....	.....	.....	.....	.....
do 18	do .....	Wm. Wait .....	Illegal possession of intoxicants.	do 18	Fined \$50 and costs	.....	No.	Moosomin.	— Morrison, J.P.
do 3	Jas. O. Strandio .....	Chu-Sue-Kie .....	Trespass.....	do 3	.....	Settled out of court	.....	.....	.....
do 2	S. Wilson .....	J. W. Larry .....	Assault.....	do 3	Fined \$5 and costs	.....	No.	Whitewood.	Chas. Marshall, J.P.
do 6	do .....	J. McDoul .....	Refusing to hand over moneys of school board	do 6	do \$1 do ..	.....	do	do	J. G. Lyons, J.P.
do 11	J. W. Larry .....	H. W. Bulmer .....	Malignantly injuring cattle	do 11	.....	Dismissed .....	do	do	Chas. Marshall, J.P.
Sept. 8	Const. Brown .....	Thos. Crapper .....	Creating a disturbance by being drunk.	Sept. 9	Fined \$1 and costs	.....	do	Regina .....	Supt. R. B. Deane and Hy. Lejeune, J.P.
do 8	The Queen .....	A. Lachyur .....	Threatening to shoot .....	do 9	Bound over to keep the peace.	.....	.....	Moosomin.	J. Butler, J.P.
do 11	do .....	A. E. Lyons .....	Horse stealing .....	Oct. 14	.....	Acquitted .....	Yes	do	Judge Wetmore.
do 21	do .....	Lionel Daintree .....	Obtaining money under false pretences.	do 14	.....	do .....	do	Whitewood.	do



Return of Criminal and other Cases tried in the North West Territories—Continued.

Date of Arrest or Summons	Prosecutor.	Defendant.	Offence.	Date of Conviction or Acquittal.	Penalty.	Remarks.	If tried by Jury.	Where Tried	By whom Tried.
1886.				1886.					
Dec. 27	The Queen .....	Martin Oleson ...	Vagrancy .....	Dec. 30	3 mos. imprisonment, hard labor	Man incapable of taking care of himself.	No.	Prince Albert.	O. F. Young, J.P., and A. B. Perry, J.P.
1887.				1887.					
Jan. 1	do .....	A. H. Clark .....	Having intoxicated liquor illegally in his possession.	Jan. 5	Dismissed .....	.....	do	do	O. F. Young, J.P.
do	Geo. Anderson..	James Fraser .....	Assault .....	do	Fined \$5 and costs	.....	do	do	A. B. Perry, J.P.
June 28	Thos. Oram .....	Harold Ross .....	do .....	June 30	.....	Prosecution withdrawn, costs paid by prosecutor.	do	do	O. F. Young, J.P.
July 1	Kagina .....	Jas. Tompkins...	Creating disturbance by being drunk.	July 2	Fined \$2 and costs	Fine paid .....	do	do	O. F. Young, J.P. and A. B. Perry, J.P.
do	do .....	Wm Tompkins.	do .....	do	do	do	do	do	do
do	do .....	Charles Williams	do .....	do	do	do	do	do	do
do	M. H. Riggs .....	Thomas Kier .....	Assault .....	do	Fined \$15 and costs	do	do	do	O. F. Young, J.P.
Sept. 23	The Queen .....	Robt. Labester ..	Selling an intoxicant to Indians.	Sept. 23	Case dismissed .....	.....	do	do	A. B. Sproat, J.P. and A. B. Perry, J.P.
Oct. 7	do .....	Jno. A. Mathieson	Illegal cattle killing .....	Oct. 8	1 month's imprisonment.	Committed for trial Oct. '86, and admitted to bail.	do	do	Judge Maguire.
Nov. 23	do .....	Thomas Taylor ..	Selling intoxicating liquor.	Nov. 24	Fined \$200 and costs or 6 mos. imprisonment with hard labor.	Fine paid .....	do	do	A. B. Perry, J. .
1888.									
Dec. 20	do .....	John Ferguson...	Vagrancy .....	Dec. 20	1 month hard labor	.....	do	Medicine Hat	Insp. Norman and T. Tweed, J.P.'s.
do	do .....	Thos. Resin .....	Intoxicants in possession.	do	\$100 or 2 months.	Fine paid .....	do	Maple Creek	Supt. J. H. McIlree.
do	do .....	M. McDonald...	Drunk and disorderly, and resisting arrest.	do	\$10 or 1 month ..	.....	do	Medicine Hat	Insp. Norman and T. Tweed, J.P.'s.
do	do .....	David Forsyth...	Vagrancy .....	do	1 month hard labor	Judgment suspended, 48 hours allowed to get employment.	do	do	do



## RETURN of Criminal and other Cases Tried in the North-West Territories—Continued.

Date of Summons or Arrest.	Prosecutor.	Defendant.	Offence.	Date of Conviction or Acquittal.	Penalty.	Remarks.	If tried by Jury.	Where Tried.	By Whom Tried.
1887.				1887.					
Nov. 11	The Queen.....	D. M. Leamer....	Liquor illegally in possession.	Nov. 11	\$200 or 3 months hard labor.	Fined paid.....	No	Medicine Hat	Insp. J. D. Moodie, J. P.
do 11	do .....	Wm. Jordan.....	do .....	.....	Acquitted .....	No evidence .....	do	do	do
do 9	do .....	John Gain .....	Drunk .....	Nov. 9	\$15 or 1 month hard labor.	Fine paid.....	do	do	Insp. Moodie and W. F. Finlay.
1888.				1888.					
Dec. 4	do .....	C. S. Clair .....	Assault.....	Dec 10	Fined \$5 and costs	Fine paid .....	do	Battleford ..	Supt. Cotton.
do 27	do .....	T. Stevenson ...	Larceny .....	do 27	.....	Committed for trial by Supt. Cotton; admitted to bail; bail estreated.	do	do	do
1887.				1887.					
Jan. 25	do .....	Rabbit .....	Maiming ox .....	.....	Dismissed .....	With caution.....	do	do	do
Feb. 18	do .....	J. Stevenson ...	Larceny .....	July 13	1 month imprisonment hard labor.	Committed for trial by Supt. Cotton.	do	do	Judge McGuire.
Mar. 18	do .....	T. Olouston .....	Possession of intoxicating liquor.	.....	Dismissed .....	Insufficient evidence.	do	do	Supt. Cotton.
do 22	do .....	Wm. Frank .....	Larceny .....	July 13	2 months imprisonment hard labor	Committed for trial by Supt. Cotton	do	do	Judge McGuire.
do 24	do .....	J. Tomkins .....	Assault.....	Mar. 24	Fined \$10 and costs or 30 days imprisonment hard labor.	Fine paid.....	do	do	do
do 24	do .....	J. McNab .....	do .....	do 24	Fined \$5 and costs or 20 days imprisonment hard labor.	do .....	do	do	do
do 25	do .....	J. Daniels .....	Larceny .....	do 30	Dismissed .....	Insufficient evidence.	do	do	do
Apr. 25	do .....	Manikanowew ...	Assault.....	Apr. 25	8 days imprisonment hard labor.	.....	do	do	Supt. Gagnon.
June 1	do .....	P. Atkinson .....	Creating disturbance .....	June 2	Reprimanded.....	.....	do	do	do
do 1	do .....	J. Anderson .....	do .....	do 2	do .....	.....	do	do	do



## Return of Criminal and other Cases tried in the North-West Territories—Continued.

Date of Summons or Arrest.	Prosecutor.	Defendant.	Offence.	Date of Conviction or Acquittal.	Penalty.	Remarks.	If tried by Jury.	Where Tried.	By whom Tried.
1886.				1886					
Dec. 20	G. Leathers .....	Simpson & McDermaid.	Non-payment of wages....	Dec. 20	Defendant to pay \$38 and \$19.70 costs.	Wages and costs paid.	.....	Calgary .....	J. D. Moodie, J.P.
do 20	Perry Jeffers .....	do ..	do	do	Defendant to pay \$18.30 and \$19.70 costs.	do	...	do .....	do
do 23	A. Lajoie. ....	N. Blake .....	do	do	Defendant to pay \$16 and costs.	do	...	do .....	do
1887.									
Jan. 10	J. O. Metcalf. ...	Thos. Willing...	do	Jan. 10	Judgm't for Plaintiff for \$80 and costs to be paid in 30 days, if mortgage of team of horses belonging to H. Evans is good, if not good then Plaintiff to proceed to judgment.	Settled; costs paid	.....	do .....	W. D. Antrobus, J.P.
do 11	Caldwell & Heenan.	James Rudd .....	Deserting employment ...	do 11	Judgm't for Plaintiff \$23 33 and costs, or 1 month hard labor.	Judgment and costs paid.	.....	do .....	J. D. Moodie, J.P.
do 11	do	Jonathan Crooks	do	do 11	Judgm't for Plaintiff \$23.33 and costs, or 1 month hard labor.	do	...	do .....	do
do 14	The Queen .....	George Tozer .....	Selling liquor .....	do 14	Fined \$200 and costs, or 6 months imprisonment hard labor.	Fine and costs paid	.....	do .....	W. D. Antrobus, J.P.
do 3	S. W. Shaw .....	Soules, McInnes & G. Hughes.	Cattle breaking fence and damaging hay.	do 3	Judgment for Defendants. Both	Costs paid .....	.....	do .....	J. D. Moodie, J.P.

do	16	U. F. Harris ....	D. Clark.....	Non-payment of wages...	do	14	parties pay costs. Judgm't for Plain- tiff \$38.50 and costs. J. Tait went to British Columbia, Judgm't and costs paid.	.....	do	....	do
do	17	Daniel Toomey .	John Tait.....	do	do	17	Judgm't for Plain- tiff by default.	....	do	.....	do
do	20	F. W. Fraser ....	D. Clark.....	do	do	21	Judgm't for Plain- tiff \$30 and costs or 1 month im- prisonment hard labor.	....	.....	.....	do
Feb.	21	S. R. B. McLean....	W. M. Rowan ....	Non-payment of wages...	Feb.	9	Defendant to pay \$45 on or before 12th inst.; if not paid, distress to be made on goods of defendant; should not suffi- cient distress be found to cover amount of claim, defendant to be imprisoned for 15 days.	Wages, \$45, paid.	Calgary .....	W. D. Antrobus, J.P.	
do	14	J. M. Robertson	J. Goss ....	Inciting T. Goss to shoot a cow.	do	14	Case dismissed, prosecutor fail- ing to appear.	.....	do	.....	J. D. Moodie, J.P.
do	14	do	F. Goss ....	Shooting a cow .....	do	14	do	.....	do	.....	do
do	11	The Queen.....	J. Buchanan....	Drunk. ....	do	15	Fined \$10 & costs or 1 month hard labor.	Fine and costs paid	do	.....	W. D. Antrobus, J.P., and J. D. Moodie, J.P.
do	23	do	M. O'Brien .	Importing liquor .....	do	23	Fined \$200 & costs or 6 months im- prisonment, hard labor.	Notice of appeal ..	do	.....	W. D. Antrobus, J.P.
do	23	O. Campbell and the Queen.	J. S. Ingram....	Creating a disturbance...	do	23	Case withdrawn, defendant to pay costs.	Costs paid .....	do	.....	.....
do	17	The Queen.....	I. J. Looney....	Vagrancy .....	do	17	3 months impris- onment, hard labor, at Calgary.	.....	Bank .....	.....	J. D. Moodie, J.P., and G. A. Stewart, J.P.
do	26	do	Angus Shaw ....	Liquor on premises .....	Mar.	26	Fined \$200 & costs or 6 months im- prisonment, hard labor.	Notice of appeal; conviction quashed.	Calgary .....	J. D. Moodie, J.P.	
do	26	do	F. McOlelland...	Selling liquor. ....	do	b	do	Notice of appeal; appeal dismissed 12th July, 1887; Judge Rouleau.	do	.....	do



## Return of Criminal and other Cases tried in the North-West Territories—Continued.

Date of Summons or Arrest.	Prosecutor.	Defendant.	Offence.	Date of Conviction or Acquittal.	Penalty.	Remarks.	If Tried by Jury.	Where Tried.	By whom Tried.
1887.									
Mar. 14	G. D. Smyth.....	J. L. Lamont....	Non-payment of wages...	Mar. 14	Defendant to pay \$80.60 and \$8.60 costs	Judgment and costs paid.	.....	Calgary.....	Insp. J. D. Moodie, J.P.
do 16	G. Hamilton.....	Jarratt and Omaha-ing.	do	do 16	Defendant to pay \$80 and costs on or before 19th March.	Notice of appeal; conviction quashed 21st April, '87; Judge Rouleau.	.....	do	do
do 22	The Queen.....	Carl Sonnett...	Vagrancy .....	do 22	14 days imprisonment, hard labor.	.....	.....	do	do
do 23	D. Sullivan.....	A. Ferland.....	Non-payment of wages...	do 29	Dismissed without costs.	.....	.....	do	W. D. Antrobus, J.P.
April 1	Frank Hilton.....	Allen Smith.....	do	April 4	Defendant to pay \$35.75 and costs.	Judgment and costs paid.	.....	do	J. D. Moodie, J.P.
do 4	W. D. Oughton	W. Jackson.....	Resisting the law.....	do 5	Dismissed .....	.....	.....	do	W. D. Antrobus, J.P.
do 4	The Queen.....	John Burrows...	Liquor in possession.....	do 6	Dismissed on permits being produced to cover.	.....	.....	do	do
do 4	do	J. T. Rea.....	do	do 6	Dismissed .....	.....	.....	do	do
do 13	do	E. Gorming.....	do	do 20	do	.....	.....	do	do
do 27	do	R. Orburn.....	Selling liquor.....	do 27	do	.....	.....	do	do
May 25	do	L. & G. Steadman	Larceny .....	do 27	do	.....	.....	do	do
do 28	R. Forrest.....	T. Campbell...	Defraud .....	do 30	Dismissed for want of evidence.	.....	.....	do	do
June 1	John A. Shields.	J. C. M. Davis...	Abuse.....	June 1	Defendant to pay 1 month's wages \$35, with costs of prosecution, to be paid forthwith, or in default: distress to be levied on his goods and chattels, and in default of sufficient	Notice of appeal. Conviction quashed, 12th April, 1887. Judge Rouleau.	.....	Calgary.....	W. D. Antrobus, J.P.

do	20	Thos. Behan .....	Jas. Carson, alias "Black Jack" .....	Purchasing horse known to be stolen.	July 1	ent distress 2 weeks' imprison- ment in N.W.M. P. guard room. Plaintiff is here- by discharged from his engage- ment.	.....	.....	do	.....	do
July 11	The Queen .....	Ogburn & Mc- Donald.	Liquor in possession .....	Liquor in possession .....	do 16	Fined \$100 each and costs.	Notice of appeal. Conviction quash- ed, 21st Novem- ber, 1887. Judge Wetmore.	.....	do	.....	O. Constantine, J.P.
do	18	do .....	F. Doyle .....	do	do 21	Fined \$200 and costs or 6 months imprisonment, hard labor	No. of appeal. Adjourned, 22nd November, 1887. Judge Wetmore.	.....	do	.....	do
do	18	do .....	J. A. Bileau .....	do	do 21	do	Notice of appeal. Conviction quash- ed, 18th Novem- ber, 1887. Judge Wetmore.	.....	do	.....	do
do	22	Chas. Delbridge.	D. Clarke and D. McKenzie.	Non-payment of wages.	do 22	\$103 and \$8.50 costs to be levied on de- fendants' goods & chattels, and in default of suffi- cient distress the defendants to be imprisoned for 1 month. Time for payment, July 30, 1887.	Notice of appeal Adjourned, 18th November, 1887. Judge Wetmore.	.....	do	.....	do
Aug. 4	T. A. McLean .....	W. Gray .....	Embezzlement .....	Embezzlement .....	Aug 11	Dismissed. Prose- cutor failed to appear.	.....	.....	do	.....	do
do	20	The Queen .....	Olemt Behmer	Liquor in possession .....	do 20	Fined \$200 and costs or 6 months imprisonment, hard labor.	Undergoing impris- onment.	.....	do	.....	W. M. Herchmer, J.P.
do	22	do .....	John McDonald .....	do	do 22	do	Fine and costs paid	.....	do	.....	do
do	22	do .....	W. O. Miller .....	Importing liquor into North-West Territories	do 22	do	do	.....	do	.....	do
do	22	do .....	John McNeill .....	Liquor in possession .....	do 24	Dismissed. Permit produced to cov- er.	.....	.....	do	.....	do

## RETURN of Criminal and other Cases Tried in the North-West Territories, &amp;c.—Continued.

Date of Summons or Arrest	Prosecutor.	Defendant.	Offence.	Date of Conviction or Acquittal	Penalty.	Remarks.	If Tried by Jury.	Where Tried	By whom Tried.
1887.				1887.					
Aug. 23	The Queen	John Allen	Gambling	Aug. 25	Dismissed.			Calgary	W. M. Herchner, J.P.
do 24	do	T. Sirrett	Liquor in possession	do 26	Fined \$300 and costs or 6 months imprisonment, hard labor.	Fine and costs paid		do	do
do 22	do	W. Bethune.	do	do 27	Dismissed.			do	do
do 24	do	Ugburn & McDonald.	do	do 28	Fined \$100 and costs or 6 months imprisonment, hard labor.	Notice of appeal		do	do
do 24	Military Colonisation Co.	"Bear Door," Cree Indian.	Theft of a horse	do 24	Dismissed. Charge not proven.			do	do
do 27	The Queen	T. Sirrett.	False information.	do 29	Dismissed.			do	do
do 29	do	Susan Godin	Lunatic	do 29	Adjudged a lunatic awaiting Lieut. Governor's plea	Released by order of Lieut-Governor.		do	do
Sept. 2	do	John McIlvie	Keeping billiard tables without a license.	Sept. 2	Dismissed on license being paid			do	do
do 10	do	Ugburn & McDonald.	Liquor in possession	do 10	Ugburn fined \$400 and costs or 6 mos. hard labor; McDonald fined \$300 and costs or 6 mos. hard labor.	Notice of appeal.		do	do
do 10	do	Keehan & Sepbury.	do	do 10	Fined \$200 each and costs or 6 mos. hard labor each.	do		do	do
do 10	do	Pat. McNulty	Selling liquor.	do 10	Fined \$200 and costs or 6 mos. hard labor.	Notice of appeal.		do	do



## Return of Criminal and other Cases Tried in the North-West Territories—Continued.

Date of Summons or Arrest.	Prosecutor.	Defendant.	Offence.	Date of Conviction or Acquittal.	Penalty.	Remarks.	Where Tried.	By Whom Tried.
1887.				1886.				
Mar. 24	The Queen.....	R. McKinstry....	Vagrancy .....	Mar. 24	3 mos. imprisonment with hard labor.		Calgary .....	G. O. King, J.P.
June 27	do .....	Wm. Lewis.....	Liquor in his possession.	June 27	Fined \$50.		do .....	do
Aug. 17	do .....	J. Outer.....	Crucely to animals .....	Aug. 17	do \$3 and costs		do .....	do
do 17	J. Barnes. ....	W. Blomfield....	Non-payment of wages..	do 17	Dismissed, with costs.		do .....	do
do 17	The Queen .....	F. Wayne.....	Theft.....	.....	.....		do .....	do
do 18	do .....	J. Wright.....	do .....	Aug. 18	1 month imprisonment.		do .....	do
Sept. 9	do .....	J. Chapman .....	Breach of the peace.....	Sept. 9	Bound over, \$200 or 6 months.		do .....	do
Aug. 7	do .....	D. McPherson....	Disorderly .....	Aug. 7	Fined \$2 and costs	Bank.	Bank .....	O. Constantine, J.P.
do 17	O. Raven. ....	E. P. Stanton....	Drunk .....	do 17	do 5 do	do	do .....	do
do 17	do .....	W. P. Byers .....	do .....	do 17	do 5 do	do	do .....	do
do 17	do .....	do .....	do .....	do 17	do 5 do	do	do .....	do
Sept. 6	The Queen.....	John Shaw .....	Liquor in possession....	Sept. 6	do 5 do	do	do .....	do
do 17	do .....	M. McLean .....	do .....	do 17	do 50 and costs	do	do .....	do
do 17	do .....	J. McManis .....	do .....	do 17	do 100 and costs or 3 mos.	do	do .....	do
do 16	O. Raven. ....	W. H. Davis.....	Drunk .....	do 16	Fined \$5 and costs	do	do .....	do
do 16	O. Raven. ....	T. Fishburn .....	do .....	do 16	Fined \$5 and costs	do	do .....	do
do 24	A. Lescock.....	O. Fitzgibbon....	do .....	do 24	do \$5 do	do	do .....	do
do 30	W. McMahon .....	do .....	do .....	do 30	do \$1 do	do	do .....	do
Oct. 28	The Queen.....	O. Kenny.....	Liquor in possession .....	Oct. 28	Fined \$200 & costs or 6 months hard labor.	do	do .....	do
Nov. 16	O. Raven .....	A. McLeod .....	Gambling.....	Nov. 16	Fined \$25 and costs		do .....	do
do 19	do .....	J. Peacock .....	Drunk .....	do 19	do \$5 do		do .....	do
do 19	do .....	Ed. Roche.....	do .....	do 19	do \$5 do		do .....	do
1886.				1886.				
Dec. 15	John Norris, ..	Jean .....	Dangerous lunatic .....	Dec. 31	Dismissed.....		Fort Saskatchewan.	Supt. Griesbach, J.P.

1887.			1887.				chewan.
Jan. 13	Wm. McKay .....	Stealing .....	May	3 6 months imprisonment, hard labor	Committed for trial by Supt. Griesbach.	Yes	Edmonton...
do 13	do .....	do .....	do	3 3 months imprisonment, hard labor	do .....	do	do
Feb. 26	The Queen .....	Drunk and disorderly .....	March 3	Fined \$5 and costs	Paid .....	No.	Supt. Griesbach and Wm. Anderson, J.P.s.
do 27	do .....	Having part of an illicit still in his possession.	do 2	do \$300 do ...	do .....	do	Supt. Griesbach, J.P.
March 2	do .....	Concerned in the manufacture of intoxicating liquor.	do 4	Dismissed .....	do .....	do	do
do 3	do .....	Having an illicit still in his possession.	do 4	Fined \$400 & costs	Paid .....	do	do
do 3	do .....	Concerned in the manufacture of intoxicating liquor.	do 4	do \$100 do ...	do .....	do	do
do 3	do .....	Having intoxicating liquor illegally in his possession.	do 4	do \$100 do ...	do .....	do	do
do 3	do .....	do .....	do 4	Fined \$200 & costs or 3 months hard labor.	Imprisoned .....	do	do
do 9	do .....	Selling intoxicating liquor.	do 10	Fined \$200 & costs	Appealed and won by St. Jean.	do	do
do 9	do .....	do .....	do 10	Dismissed .....	do .....	do	do
do 9	do .....	do .....	do 10	Fined \$160 & costs	Paid .....	do	do
do 23	Jas. McDonald .....	Stealing .....	do 24	Committed for trial	Dismissed by Judge Rouleau.	do	do
April 29	The Queen .....	Larceny .....	April 30	do .....	Sent to Calgary...	do	Red Deer...
May 4	J. G. Ottawell .....	Assault .....	May 6	Dismissed with costs.	do .....	do	Fort Saskatchewan.
do 25	Pat'k Kennedy .....	Non payment of wages...	do 26	Settled in court...	do .....	do	Edmonton...
June 16	Begina .....	Drunk and disorderly .....	June 17	Fined \$5 and costs	Paid .....	do	do
do 22	W. S. Robertson .....	Killing and wounding .....	do 23	do \$10 do ...	do .....	do	do
July 11	John Graham .....	Aggravated assault .....	July 15	do \$30 do ...	do .....	do	do
do 11	do .....	do .....	do 15	do \$30 do ...	do .....	do	do
do 11	do .....	do .....	do 15	do \$10 do ...	do .....	do	do
Aug. 12	Louis Gladu .....	Felony .....	Aug. 19	3 mos. hard labor.	do .....	do	do

## Return of Criminal and other Cases Tried in the North-West Territories.—Continued.

Date of Summons or Arrest	Prosecutor.	Defendant.	Offence.	Date of Conviction or Acquittal.	Penalty.	Remarks.	If Tried by Jury.	Where Tried	By whom Tried.
1887.				1887.					
Aug. 25	The Queen.....	Oscil & Michael Contorelle.	Murder ....	Sept. 29	Committed for trial	Tried by Judge Rouleau and sentenced each to 6 years hard labor. Oscil Contorelle escaped while en route to Stony Mountain. Michael Contorelle sent to Stony Mountain.	Yes	Edmonton...	Supt. Griesbach, J.P., and Judge Rouleau.
Oct. 12	James McDonald	Michael Vivien...	Stealing fence rails .....	Oct. 13	1 month hard labor.	.....	No.	do	J. A. Macdougall and M. McCauley, J.P's.
do 22	The Queen.....	Joseph Morgan	Stealing shackle key ....	do 27	6 months hard labor.	.....	do	do	J. A. Macdougall and Insp. Casey, J.P's.
do 28	James Haly.....	Peter Johnston.	Horse stealing .....	do 29	Dismissed .....	.....	do	Red Deer...	J. Gatz, J.P.
do 28	Robt. McKernan.	W. A. Byers ....	Assault and battery .....	do 28	Fined \$1 and costs	Paid .....	do	Edmonton...	J. A. Macdougall and Insp. Casey, J.P's.
do 29	W. A. Byers ....	Robt. McKernan.	Using abusive and obscene language.	do 29	do \$2 do	do .....	do	do	do do
Dec. 1	The Queen .....	P. Wynne .....	Giving intoxicants to Indians.	Dec. 1	4 mos. hard labor.	.....	No.	Macleod .....	Supt. Neale and Dr. Kennedy.
do 2	do .....	Bunaling Coyote, Blood.	Creating disturbance .....	do 2	14 days hard labor	.....	do	do	do
do 4	do .....	John Smith.....	Putting out poison .....	do 20	\$10 and costs or 10 days hard labor.	.....	do	do	Supt. Neale.
do 4	do .....	M. Shear .....	Having intoxicants in possession.	do 4	\$400 and costs or 6 mos. hard labor.	.....	do	do	do
do 7	do .....	S. Briscoe .....	Drunk .....	do 7	Fined \$10 or 10 days hard labor.	.....	do	do	Supt. Neale and Supt. Steele.
do 13	do .....	Ponting Pilate, Blood.	Arson .....	do 13	Acquitted .....	.....	do	do	Supt. Neale.

do	18	do	G. L. Southwick	Having Post Office keys in possession.	do	15	Discharged	do	Lethbridge.	do
do	18	do	A. La Chappelle	Having Intoxicants in possession.	do	18	Acquitted	do	Macleod.....	do
do	20	do	Soldier Boy,	Larceny .....	do	27	Committed and acquitted.	do	do	Col. Macleod, S.M.
do	20	do	Blood.	Drunk.....	do	22	Acquitted	do	do	Supt. Neale.
do	23	do	Old Woman, J. Connelly.....	Assault.....	do	22	Discharged..	do	do	do
do	27	do	The Queen..	Lunacy.....	do	31	do	do	do	Inspector Likely.
1887.										
Jan. 3	do	do	M. Walsh.....	Having intoxicants in possession.	Jan. 5	Acquitted	do	do	do	Supt. Steele.
do	3	do	do	do	do	5	\$200 and costs or 6 mos. hard labor.	do	do	do
do	10	do	A. J. Bragg	do	do	11	Discharged	do	do	Supt. Neale.
do	10	do	F. Westrop.....	do	do	11	do	do	do	do
do	10	do	Big Plume, Pie-gan.	Assault .....	do	17	Committed and acquitted.	do	do	Col. Macleod, S.M.
do	10	do	Oixon, J.....	do	do	17	do	do	do	do
do	15	do	The Queen.....	Creating disturbance....	do	15	1 month hard labor	do	do	Supt. Neale and Supt. Steele.
do	19	do	F Pace .....	Having Intoxicants in possession.	do	19	\$50 and costs or 2 mos. hard labor.	do	do	Inspector Likely.
do	19	do	A. LaChappelle.	do	do	19	Discharged	do	do	do
1888.										
Dec. 6	do	do	J. Hebert.....	Drunk.....	Dec. 8	\$15 or 2 mos. hard labor.	do	Lethbridge..	Supt. Steele and Insp. Likely.	
do	20	do	M. Holway.....	Receiving stolen goods...	do	24	Discharged..	do	do	Insp. Likely.
1887.										
Jan. 17	do	do	The Bee, Blood...	Larceny .....	Jan. 17	Committed.	do	do	do	Supt. Steele.
do	17	do	Shoots Well, Blood.	do	do	17	do	do	do	do
Feb. 24	do	do	E. McConnell....	Assault.....	Feb. 24	\$10 and costs or 1 month hard labor	do	Macleod.....	Supt. Neale.	
do	25	do	do	Drawing and pointing pistol.	do	25	\$16 and costs or 30 days hard labor.	do	do	do
do	26	do	J. Burgoyne....	Having intoxicants in possession.	do	26	\$200 and costs or 6 mos. hard labor.	do	Lethbridge	Supt. Steele.
do	26	do	A. Grant.....	do	do	26	do	do	do	do
do	26	do	W. E. Outthbert.	do	do	28	do	do	do	do
do	26	do	Tate .....	Keeping gambling house.	do	26	Dismissed.....	do	do	do



## Return of Criminal and other cases tried in the North-West Territories—Continued.

Date of Arrest or Summons	Prosecutor.	Defendant.	Offence.	Date of Conviction or Acquittal.	Penalty.	Remarks.	If tried by Jury.	Where Tried	By whom Tried.
1886.				1886.					
Mar. 3	The Queen..	J. O'Connor.....	Smuggling.....	Mar. 27	Discharged.....	Warrant not served	No.	Macleod..	Dr. Kennedy.
do 27	do	G. Wentworth..	Having intoxicants in possession.	do 27	do	.....	do	do	do
do 27	do	do	Keeping gambling house	April 28	\$15 and costs or 1 month hard labor	.....	do	do	Supt. Neale.
April 27	Alle, A. ..	O. Brier.....	Assault.....	May 3	\$300 and costs or 4 mos. hard labor.	.....	do	do	do
do 28	The Queen.....	do ..	Having intoxicants in possession.	do 10	\$10 and costs or 7 days hard labor.	.....	do	do	Supt. Neale and Dr. Kennedy.
May 9	do	J. Connelly.....	Drunk.....	do 18	\$5 or 7 days hard labor.	.....	do	do	Steele.
do 17	do	F. Johnstone..	do	June 1	\$5 or 10 days hard labor.	.....	do	do	Supt. Neale and Supt. Kennedy.
do 18	do	F. Heney ..	do	do 1	\$20 or 1 month hard labor.	.....	do	do	Commissioner Herchmer.
do 18	do	O. Brier ..	do	May 17	5 years penal servitude.	.....	do	do	do
do 17	do	The Dog, Blood..	Horse stealing.....	do 17	do	.....	do	do	Hon. Justice Macleod.
do 17	do	Big Rib, Blood..	do	June 1	\$10 or 20 days hard labor.	.....	do	do	do
June 1	do	W. Wagner....	Drunk.....	do 3	\$200 and costs or 4 mos. hard labor.	.....	do	do	Oom. Herchmer.
do 2	do	G. Sheppard.....	Having intoxicants in possession.	do 23	Acquitted.....	.....	do	do	Supt. Neale.
do 13	do	Long Cross, Blood	In possession of stolen property.	do 16	10 days hard labor.	.....	do	do	do
do 14	do	Uair Shield, Blood.	Drunk.....	do 20	Dismissed.....	.....	do	do	Supt. Neale and J. Grier, J. P.
do 14	do	W. Smart.....	Unlawful use of fire arms	do 18	do	.....	do	do	Supt. Neale and Dr. Kennedy.
do 16	J. H. Murphy....	S. Burard.....	Assault.....	do 18	do	.....	do	do	Supt. Neale.
do 17	P. Lachance.....	do	do	do 18	Bound over to keep the peace for 6 months.	.....	do	do	do



## RETURN of Criminal and other Cases Tried in the North-West Territories—Continued.

Date of Summons or Arrest.	Prosecutor.	Defendant.	Offence.	Date of Conviction or Acquittal.	Penalty.	Remarks.	If tried by Jury.	Where Tried.	By Whom Tried.
1887.				1887.					
Sept. 19	The Queen.....	Wolf Wing, Blood.....	Drunk.....	Oct. 19	10 days hard labor	.....	No.	Macleod .....	Supt. Neale and Gagnon.
do 22	do .....	Knanning Funny, Blood.....	do .....	do 22	10 do .....	.....	do	do .....	do
do 22	do .....	Eagle Rib alias Chief Eagle.	Obstructing police.....	do 6	3 mos. hard labor.	.....	do	do .....	Hon. Justice Macleod.
do 22	do .....	Blue Owl and Epitah, Blood.....	.....	.....	.....	Warrant not served	.....	.....	.....
do 22	do .....	"Call Tail," Blood.	Obstructing police.....	Oct. 6	Acquitted .....	.....	No.	Macleod .....	Hon. Justice Macleod.
do 22	do .....	"Lizard Hips," Blood.	do .....	Sept. 22	do .....	.....	do	do .....	Supt. Gagnon.
do 26	do .....	A. LeChappelle.	Drunk.....	do 26	\$10 and costs or 14 days hard labor.	.....	do	do .....	Supt. Neale and F. Champness, J.P.
do 27	do .....	J. Bradley .....	Having intoxicants in possession.	Oct. 4	Discharged.....	.....	do	do .....	Supt. Neale.
do 28	do .....	"Woman Child," Blood.	Drunk .....	Sept. 28	8 days hard labor.	.....	do	Lethbridge .....	Supt. Macdonnell and Insp. Likely.
do 28	do .....	"Mad Chief," Blood.	do .....	do 28	do .....	.....	do	do .....	do
do 13	do .....	G. Anderson.....	Having and selling in intoxicants.	Oct. 5	Discharged .....	.....	do	Macleod .....	Hon. Justice Macleod.
do 13	do .....	M. St. Goddard.	do .....	do 5	do .....	.....	do	do .....	do
Oct. 3	do .....	"Weasel Fat," Blood.	Possession of stolen property.	do 11	\$5 and costs or 10 days hard labor.	.....	No	Macleod .....	Supt. Neale.
do 11	P. Grier .....	D. Allison .....	Assault .....	do 12	8 days hard labor.	.....	do	Lethbridge .....	Supt. Macdonnell and Insp. Likely.
do 12	The Queen.....	"Iron Pipe," Blood.	Drunk .....	do 12	do .....	.....	do	do .....	do
do 12	do .....	"Long Wing," Blood.	do .....	do 12	do .....	.....	do	do .....	do
do 17	do .....	T. Boyce .....	Indecent exposure.....	do 17	\$5 and costs or 1 month hard labor	.....	do	do .....	do

do	M. Chrystal .....	do	.....	do	17
do	M. Dolan .....	do	.....	do	17
do	J. Gaylon .....	Drunk .....	.....	do	17
do	L. Duguay .....	Having and selling in- toxicants.	do	do	24
do	P. Descharme .....	.....	.....	do	24
do	T. Farrar .....	Selling intoxicants to In- dian.	do	do	19
do	J. Norcross .....	Having intoxicants in possession.	do	do	26
do	F. B. Roberge .....	do	.....	do	26
do	M. Walsh .....	Drunk .....	.....	do	31
Nov. 5	"Fish-hawk," Nes Percé,	do	.....	Nov.	5
do	G. W. Stevenson .....	Illegally importing li- quor.	do	do	7
do	G. Honk .....	Having intoxicants in possession.	do	do	7
do	G. Leask .....	Embezzlement .....	do	do	10
do	J. Pierce .....	Assault .....	do	do	11
do	H. Chambers .....	.....	do	do	11
do	The Queen .....	Having intoxicants in possession.	do	do	11
do	"Oaf Shirt,"	.....	do	do	11
do	Blood. Rider,"	Cattle killing .....	do	do	24
do	"Good Blood. Blood."	.....	do	do	21
do	P. Molloy .....	Drunk .....	do	do	21
do	A. Jones .....	Larceny .....	do	do	19



---

## STATEMENT

(38)

Of all Superannuations and Retiring Allowances in the Civil Service, giving the Name and Rank of each person Superannuated or Retired, his Salary, Age and Length of Service, his Allowance and cause of Retirement, whether vacancy has been filled by promotion or new appointment, &c., for Year ended 31st December, 1887.

---

## STATE

Of all Superannuations and Retiring Allowances in the Civil Service, his Salary, Age and Length of Service, his Allowance and cause of appointment, &c, for Year ended 31st December, 1887.

Name.	Rank.	Salary.	Age.	Service.	Added Service.
		\$ cts.	Yrs.	Yrs.	Yrs.
<b>Customs.</b>					
Beatty, John	Clerk	1,200 00	58	26	
Caldwell, S. B.	Surveyor	1,500 00	73	24	
Ditmers, G. F.	Sub-collector	200 00	77	46	
Dosois, Pierre	Collector	800 00	63	25	2
Grimmer, W. W.	Assistant appraiser	800 00	71	18	
Gauvin, M.	do do	750 00	63	38	
Hartt, John	Sub-collector	400 00	67	17	
Kavanagh, Lawrence	do	150 00	69	27	
Mingaye, W. E.	Collector	3,600 00	63	33	
Madden, Hugh	Tide-waiter	600 00	64	22	
McQueen, A.	Preventive officer	300 00	67	16	
Nelson, John	Landing waiter	1,400 00	70	35	1
O'Leary, J. B.	Tide-waiter	550 00	67	26	
Passmore, Wm.	Landing waiter	500 00	74	13	
Patterson, M. J.	do do	600 00	45	13	
Powers, Wm.	Boatman	500 00	56	14	
Prendergast, John	Tide-waiter and locker	600 00	63	25	
Shepherd, Francis	Clerk	1,100 00	67	35	1
Sanderson, B.	Sub-collector	250 00	62	23	
Treble, Charles	Landing waiter and searcher	700 00	52	31	
Young, Walter	Sub-collector	150 00	47	3	
Verner, J.	Landing waiter	650 00	55	5	
Farmer, J.	Collector	800 00	75	21	
		18,150 00			
<b>Finances.</b>					
Ross, Lt.-Col. Thos.	Accountant of contingencies	2,400 00	68	47	
Howe, Sydenham	Dominion auditor, Halifax	1,800 00	44	32	10
Seely, Wm.	do do St. John	1,900 00	73	33	10
		6,400 00			
<b>Marine.</b>					
Auger, Oliver	Lightkeeper	300 00	76	20	
Magnan, Amedee	do	300 00	56	13	
Rand, A. T.	Engineer	500 00	46	10	
Setter, Robt	Keeper of Prov. Depôt, Anticosti	300 00	76	21	
		1,300 00			
<b>Justice.</b>					
Pominville, J. T., M.D.	Surgeon, St. Vincent Penitentiary	1,200 00	62	20	10
Travis, J.	Supendary magistrate, N.W.T.	3,000 00		12	10
		4,200 00			

# MENT

giving the Name and Rank of each person Superannuated or Retired, Retirement, whether vacancy has been filled by promotion or new

Superannuation Allowance.	Gratuity.	Cause.	Vacancy filled by—	Salary of New Appointee.	Remarks.
\$ cts.	\$ cts.			\$ cts.	
624 00		Ill-health	Not filled.		
720 00		Age	do		
140 00		do	New appointment.	200 00	
300 00		Ill-health & to promote efficiency	do do	600 00	
261 00		Age	Promotion		
480 00		do and ill-health	Not filled.		
130 32		do	New appointment.	400 00	
81 00		do	do do	150 00	
2,598 00		do	do do	3,300 00	
264 00		do and ill-health	Not filled.		
96 00		do do	New appointment.	300 00	
980 00		do and to promote efficiency.	Not filled.		
220 00		do and ill-health	do		
129 96		do	do		
	350 00	Ill-health	do		
139 92		do	do		
300 00		Age and ill-health	do		
769 92		do and to promote efficiency and economy.	New appointment.	600 00	
114 96		Age and ill-health.	do do	250 00	
433 92		do do	Not filled.		
	37 50	Abolition of office	do		
	270 80	Ill-health	do		
398 00		Age	New appointment.	500 00	
9,029 06	658 30			6,001 00	
1,820 00		Age	Promotion.		
1,216 00		Abolition of office.	Not filled.		
1,254 00		do do	do		
4,290 00					
120 00		Age	New appointment.	400 00	
78 00		Ill-health	do do	40 00	
100 00		do	do do	50 00	
84 00		Abolition of office	Not filled.		
382 00				1,300 00	
696 00		Ill-health	New appointment.	1,200 00	
720 00		Abolition of office.	Not filled.		
1,416 00				1,200 00	

Salary, including \$900 perquisites



## STATEMENT of all Superannuations and Retiring

Name.	Rank.	Salary.	Age.	Service.	Added Service.
		\$ cts.	Yrs.	Yrs.	Yrs.
<i>Inland Revenue.</i>					
Boggs, G. W. ....	Inspector Weights and Measures ...	500 00	71	71	.....
Côté, L. A. ....	do do	1,200 00	59	78	.....
Dupont, Chas. T. ....	Inspector	2,700 00	50	25	.....
Fortien, C. G. ....	Collector	1,650 00	69	25	.....
Mensam, F. ....	Clerk	1,800 00	57	25	4
		7,850 00			
<i>Militia and Defence.</i>					
Seymour, Grant ....	Clerk	1,500 00	46	26	.....
<i>Post Office.</i>					
Bayley, James ....	Railway mail clerk	980 00	61	28	.....
Bergin, Wm ....	Letter carrier	600 00	46	13	.....
Dalton, Henry D. ....	Clerk	1,300 00	44	26	.....
Déroust-Damassé, L. A. ....	Letter carrier	420 00	37	4	.....
Dunbar, Henry ....	Messenger, Kingston	600 00	66	17	.....
Fairweather, E. W. H. ....	Clerk	400 00	36	21	.....
Kern, John Wesley ....	Box collector	600 00	66	13	.....
		4,880 00			
<i>Public Works.</i>					
Rowan, James ....	Slide master	480 00	76	29	.....
<i>Railways and Canals.</i>					
Bodwell, E. A. ....	Supt. W. Canal, and Acct. B.C. ...	2,900 00	59	22	10
Bare, Robt. ....	Lock laborer	328 00	61	33	.....
Bourbonnais, O. ....	do master	496 25	66	38	.....
Johnston, John ....	do do	395 00	70	45	.....
Keally, James ....	do laborer	235 00	70	35	.....
Smith, Samuel ....	do do	496 25	61	41	.....
Wallace, M. ....	do do	272 00	66	37	.....
Weaver, W. ....	do master	538 00	66	35	.....
Winters, Wm. ....	do laborer	419 00	43	16	.....
Neville, C. S. ....	Messenger	460 00	25	12	.....
		6,529 50			
<i>Interior.</i>					
Odd, Donald ....	Agent Dominion Lands	2,400 00	.....	91	.....
Smith E. Clementi ....	do do	1,200 00	38	71	.....
		3,600 00			
<i>Indian.</i>					
Plummer, Wm. ....	Com. Indian Lands	1,800 00	68	29	10
<i>Secretary of State.</i>					
Vellamure, E. L. ....	Clerk	500 00	24	3	.....

## Allowances in the Civil Service, &amp;c.—Continued.

Superannuation Allowance.	Gratuity.	Cause.	Vacancy filled by—	Salary of New Appointee.	Remarks.
\$ cts.	\$ cts.			\$ cts.	
324 91	783 33	Age	Not filled		
1,100 00		Ill-health	Promotion		
806 23		do	do		
894 43		Age	do		
2,002 81	1,106 24	Ill-health, and to promote efficiency and economy.	Not filled		
754 00		Ill-health	Not filled		
537 00		Age	Not filled.		
156 00		Ill-health	do		
663 00	140 00	do	do		
167 85	75 00	Age	do		
156 00		To promote efficiency	New appointment.	460 00	
1,700 45	215 00	Age and ill-health	Transfer.	520 00	
278 40		Age	Not filled	920 00	
1,276 00		Completion of C.P.R. in B.O.	Not filled.		
216 43		Age and ill-health	New appointment.	277 50	
347 37		do do	do	456 25	\$1.25 per diem.
376 43		do	do	456 25	do
167 44		do	do	456 25	do
347 37		do and ill-health	do	456 25	do
190 40		do do	do	456 25	do
376 00		do	do	488 00	
134 08		Ill-health	do	456 25	do
383 33		do	Not filled		
2,322 22	383 33			3,503 00	
1,667 31		Ill-health	New appointment.	2,400 00	Voted by Parliament.
725 00		do	do	1,200 00	
2,332 31				3,600 00	
1,044 00		Age and ill-health	Promotion.		
114 55		Ill-health	New appointment.	400 00	

## STATEMENT of all Superannuations and Retiring

Name.	Rank.	Salary.	Age.	Service.	Added Service.
		\$ cts.	Yrs.	Yrs.	Yrs.
<i>House of Commons.</i>					
Wicksteed, G. W.	Law clerk	3,400 00	88	59	.....
<i>Agriculture.</i>					
Doré, F. J. S.	Clerk	2,500 00	56	27	.....

## RECAPIT

Customs .....  
 Finance .....  
 Marine .....  
 Justice .....  
 Inland Revenue .....  
 Militia and Defence .....  
 Post Office .....  
 Public Works .....  
 Railways and Canals .....  
 Interior .....  
 Indian .....  
 Secretary of State .....  
 House of Commons .....  
 Agriculture .....

Total .....

FINANCE DEPARTMENT,  
 OTTAWA, 2nd March, 1888.

Allowances in the Civil Service, &c.—*Concluded.*

Superannuation Allowance.	Gratuity.	Cause.	Vacancy filled by—	Salary of New Appointee.	Remarks.
\$ cts.	\$ cts.			\$ cts.	
2,380 00	.....	Age .....	Promotion .....	.....	
1,350 00	.....	To promote economy.....	Not filled. ....	.....	

U L A T I O N .

Superannuation Allowance.	Gratuity.	Total.
\$ 2,039 00	\$ 658 30	\$ 2,697 30
4,290 00	.....	4,290 00
382 00	.....	382 00
1,416 00	.....	1,416 00
2,902 81	1,108 24	3,911 05
754 00	.....	754 00
1,700 45	215 00	1,915 45
278 40	.....	278 40
2,322 22	383 38	2,705 60
.....	2,332 31	2,332 31
1,044 00	.....	1,044 00
.....	114 55	114 55
2,380 00	.....	2,380 00
1,350 00	.....	1,350 00
<u>\$ 22,748 88</u>	<u>\$ 4,811 73</u>	<u>\$ 27,560 61</u>

J. M. COURTNEY,  
*Deputy Minister of Finance.*



## RETURN

(35)

Of the names and salaries of all persons appointed to or promoted in the Civil Services, during the Year 1887, specifying the office to which each has been appointed or promoted. (Sec. 58, Sub-sec. 2, "Civil Service Act.")

By Command.

J. A. CHAPLEAU,

Department of the Secretary of State,  
OTTAWA, 6th March, 1888.

*Secretary of State.*

RETURN of the Names and Salaries of all Persons Appointed to or Promoted in the Civil Service, during the Year 1887, specifying the office to which each has been appointed or promoted. (Sec. 58, sub-sec. 2, "Civil Service Act.")

### DEPARTMENT OF SECRETARY OF STATE.

#### APPOINTMENTS.

Name.	Age.	Date of Appointment or Promotion.	Inside or Outside.	Rank or Office.	Salary.
					\$ cts.
A. M. P. Drouin.....	35	July 1, 1887	Inside .....	2nd Class Clerk .....	1,100 00
L. F. Globensky.....	31	Aug. 1, 1887	do .....	3rd Class Clerk.....	400 00
U. Ricard.....	29	Dec. 20, 1886	do .....	Messenger .....	300 00

#### PROMOTIONS—NIL.

### DEPARTMENT OF FISHERIES.

#### APPOINTMENTS.

Samuel Judson Jenkins .....	38	July 1, 1887	Inside .....	2nd Class Clerk.....	1,100 00
Bertram Florenzo Burnett....	25	Mar. 15, 1887	do .....	3rd Class Clerk.....	500 00
William Arthur Makinson...	32	April 1, 1887	do .....	do .....	400 00

#### PROMOTIONS.

James Sutton Webster.....	40	July 1, 1887	Inside .....	2nd Class Clerk.....	1,100 00
Elas Blair Kent .....	32	do 1, 1887	do .....	do .....	1,100 00
Francis Henry Cunningham	23	.....	do .....	3rd Class Clerk.....	Increased by \$200 00

RETURN of the Names and Salaries of all Persons Appointed to or Promoted in the Civil Service during the Year 1887—*Continued.*

## POST OFFICE DEPARTMENT.

## APPOINTMENTS.

Name.	Age.	Date of Appointment or Promotion.	Inside or Outside.	Rank or Office.	Salary.
					\$ cts.
W. J. Glover .....	24	Jan. 1, 1887	Inside.....	3rd Class Clerk.....	450 00
Wm. Neill .....	32	July 1, 1886	Outside.....	Letter Carrier.....	360 00
Alex. McBride .....	28	Sept. 1, 1886	do .....	Ry. Mail Clerk, 3rd Class	480 00
J. McCandless .....	33	Jan. 1, 1887	do .....	3rd Class Clerk .....	480 00
E. McKenna .....	24	July 1, 1886	do .....	Letter Carrier .....	360 00
A. M. Whelan .....	21	do 1, 1886	do .....	do .....	360 00
Joseph St. Jean .....	21	do 1, 1886	do .....	do .....	360 00
B. Spicer .....	25	Jan. 1, 1887	do .....	do .....	360 00
Wm. Chas. Hiseott .....	21	July 1, 1886	do .....	do .....	360 00
L. E. Simard .....	20	do 1, 1886	do .....	do .....	360 00
O. N. Langlois .....	28	do 1, 1886	do .....	do .....	360 00
W. H. Murphy .....	37	do 1, 1886	do .....	do .....	360 00
W. P. Mahoney .....	21	Dec. 1, 1886	do .....	do .....	360 00
R. S. Miller .....	39	July 1, 1886	do .....	3rd Class Clerk .....	400 00
W. P. McCawley .....	23	do 1, 1886	do .....	do .....	400 00
F. A. Carmichael .....	24	do 1, 1886	do .....	do .....	400 00
Jean Nolet .....	36	Jan. 22, 1887	do .....	Ry. Mail Clerk, 3rd Class	480 00
F. Chabot .....	35	do 17, 1887	do .....	Letter Carrier .....	360 00
E. Stewart .....	35	do 15, 1887	do .....	do .....	360 00
B. H. Bell .....	22	do 15, 1887	do .....	3rd Class Clerk .....	400 00
Outhbert, W. J. ....	48	July 1, 1886	do .....	Letter Carrier .....	360 00
H. W. Dayton .....	31	Jan. 29, 1887	do .....	do .....	360 00
B. A. Parson .....	30	do 1, 1887	do .....	3rd Class Clerk .....	400 00
D. A. Keiser .....	30	do 1, 1887	do .....	do .....	400 00
A. Chabot .....	27	do 1, 1887	do .....	do .....	400 00
R. J. Butler .....	20	do 1, 1887	do .....	do .....	400 00
F. R. Sargeson .....	27	do 1, 1887	do .....	do .....	400 00
A. W. Rupert .....	35	July 1, 1886	do .....	Letter Carrier .....	360 00
R. A. Grainger .....	30	Jan. 1, 1887	do .....	do .....	360 00
W. H. Canniff .....	29	do 22, 1887	do .....	3rd Class Clerk .....	400 00
John McDonald .....	23	July 1, 1886	do .....	do .....	400 00
T. J. Curran .....	20	Jan. 29, 1887	do .....	do .....	400 00
P. Campbell .....	23	do 27, 1887	do .....	Letter Carrier .....	360 00
G. A. McCulloch .....	22	do 1, 1887	do .....	3rd Class Clerk .....	400 00
H. Stevenson .....	24	do 1, 1887	do .....	do .....	400 00
A. Caven .....	37	Dec. 1, 1886	do .....	Ry. Mail Clerk, 3rd Class	480 00
E. M. Walker .....	22	Jan. 1, 1887	Inside.....	3rd Class Clerk .....	450 00
K. E. Falconer .....	26	do 1, 1887	do .....	do .....	400 00
K. T. Waddell .....	22	Jan. 18, 1887	Inside.....	do .....	450 00
Alex. McGill .....	22	do 26, 1887	Outside.....	Ry. Mail Clerk, 3rd Class	480 00
James Grant .....	25	do 18, 1887	do .....	Letter Carrier .....	420 00
H. S. Stewart .....	21	do 26, 1887	Inside.....	3rd Class Clerk .....	400 00
H. McGuire .....	23	do 26, 1887	do .....	do .....	500 00
H. G. Hopkirk .....	26	Feb. 1, 1887	Outside.....	Inspector .....	2,300 00
J. T. McRobie .....	24	Sept. 25, 1886	do .....	Letter Carrier .....	360 00
Geo. Catellier .....	21	Feb. 1, 1887	do .....	Ry. Mail Clerk, 3rd Class	480 00
Thos. A. Scott .....	27	Sept. 27, 1884	do .....	do .....	480 00
Jas. A. Spence .....	28	Feb. 11, 1887	do .....	Letter Carrier .....	360 00
Michael Sullivan .....	39	do 24, 1887	do .....	Mail Transfer Agent .....	600 00
Aloysius Whelan .....	21	Jan. 1, 1887	do .....	3rd Class Clerk .....	400 00
F. G. Allen .....	31	Oct. 1, 1886	do .....	do .....	400 00
John Spence .....	21	Feb. 18, 1887	Inside.....	Messenger .....	300 00
P. D. Bentley .....	20	Jan. 1, 1887	do .....	3rd Class Clerk .....	400 00
T. F. D. Moffatt .....	19	Feb. 1, 1887	do .....	do .....	480 00
J. H. Faulkner .....	35	March 12, 1887	Outside.....	Letter Carrier .....	360 00
Geo. Hanlon .....	25	do 12, 1887	do .....	do .....	360 00
John Phillips .....	37	do 12, 1887	do .....	do .....	360 00

RETURN of the Names and Salaries of all Persons Appointed to or Promoted in the Civil Service during the year 1887, &c.—*Continued.*

POST OFFICE DEPARTMENT—*Continued.*

APPOINTMENTS—*Continued.*

Name.	Age.	Date of Appointment or Promotion.	Inside or Outside.	Rank or Office.	Salary.
					\$ cts.
Jas. R. Thomas .....	39	March 12, 1887	Outside....	Letter Carrier .....	360 00
Wm. J. Meagher .....	23	April 1, 1887	do .....	Ry. Mail Clerk, 3rd Class	480 00
J. E. Gervais .....	24	do 1, 1887	do .....	Asst P. O. Inspector....	1,200 00
Angus Gillies .....	25	July 1, 1887	do .....	Ry. Mail Clerk, 3rd Class	480 00
Robt. H. Ross .....	21	do 6, 1887	do .....	do .....	480 00
J. H. Thain .....	28	do 4, 1887	do .....	do .....	480 00
O. B. M. Laurence .....	27	do 4, 1887	do .....	3rd Class Clerk .....	480 00
James Buckley .....	23	do 4, 1887	Inside....	do .....	500 00
A. St. Onge .....	22	do 13, 1887	Outside....	Letter Carrier .....	360 00
E. O. Dowd .....	39	do 1, 1887	do .....	3rd Class Clerk .....	600 00
Thomas Moore .....	22	do 1, 1887	do .....	Letter Carrier .....	360 00
G. W. Wills .....	24	do 1, 1887	do .....	3rd Class Clerk .....	400 00
Hugh Lacken .....	32	Sept. 1, 1887	do .....	Inside Transfer Agent ...	400 00
Wm. G. McKenna .....	30	do 1, 1887	do .....	Messenger .....	360 00
O. Dumont .....	20	do 5, 1887	do .....	3rd Class Clerk .....	400 00
J. E. Bourgeau .....	23	Aug. 23, 1887	do .....	do .....	400 00
J. A. Pope .....	18	Sept. 8, 1887	do .....	Letter Carrier .....	360 00
J. E. Hooper .....	28	Aug. 1, 1887	Inside....	3rd Class Clerk .....	450 00
E. W. Holland .....	24	July 1, 1887	Outside....	Ry. Mail Clerk, 3rd Class	480 00
John Galbraith .....	26	Oct. 1, 1887	do .....	3rd Class Clerk .....	400 00
Alex. Thomas .....	20	Sept. 17, 1887	do .....	Letter Carrier .....	360 00
F. Richards .....	30	July 1, 1887	do .....	do .....	360 00
E. Barcelo .....	18	do 1, 1887	do .....	Clerk .....	400 00
J. B. McRoberts .....	25	do 1, 1887	do .....	Messenger .....	360 00
D. E. Ternent .....	26	Nov. 1, 1887	do .....	Letter Carrier .....	390 00
E. H. McGinnis .....	23	July 9, 1887	do .....	do .....	360 00
W. E. Tyner .....	24	Oct. 1, 1887	do .....	do .....	360 00
J. W. Adam .....	26	do 1, 1887	do .....	do .....	360 00
Wm. D. Andrews .....	24	do 1, 1887	do .....	do .....	360 00
A. S. Royal .....	19	July 1, 1887	do .....	Ry. Mail Clerk, 3rd Class	480 00
Joseph Valiquette .....	30	do 1, 1887	do .....	Letter Carrier .....	360 00
Emilio Bourret .....	21	Dec. 1, 1887	do .....	3rd Class Clerk .....	400 00
W. O. Cochran .....	31	Nov. 1, 1887	Inside....	do .....	450 00
Joseph Wood .....	23	July 1, 1887	Outside....	Letter Carrier .....	360 00
O. J. Reed .....	24	do 1, 1887	do .....	do .....	360 00
J. L. D'Amour .....	21	do 1, 1887	do .....	3rd Class Clerk .....	480 00
J. R. Barrell .....	26	Jan. 1, 1887	do .....	Letter Carrier .....	360 00
R. F. Drummond .....	32	July 1, 1887	do .....	Ry. Mail Clerk, 3rd Class	480 00
A. S. Martin .....	24	do 1, 1887	do .....	3rd Class Clerk .....	400 00

PROMOTIONS.

J. S. Chase .....	39	Jan. 1, 1887	Outside....	2nd Class Clerk .....	900 00
U. Rondeau .....	37	do 1, 1887	do .....	do .....	900 00
O. W. Macdonald .....	47	Nov. 1, 1886	do .....	Ry. Mail Clerk, 2nd Class	840 00
John Rooney .....	25	July 1, 1886	do .....	do 1st do .....	960 00
H. O. Dumas .....	29	Jan. 1, 1887	do .....	2nd Class Clerk .....	900 00
John Scott .....	51	do 1, 1887	do .....	do .....	900 00
J. O. A. Méthot .....	29	do 1, 1887	do .....	Ry. Mail Clerk, 2nd Class	640 00
A. Devine .....	27	July 1, 1886	Inside....	2nd Class Clerk .....	1,100 00
Walter Rowan .....	30	do 1, 1886	do .....	do .....	1,100 00
John Ford .....	37	Feb. 1, 1887	Outside....	Ry. Mail Clerk, 2nd Class	640 00
Daniel Fairman .....	43	do 1, 1887	do .....	do 1st Class .....	960 00



RETURN of the Names and Salaries of all Persons Appointed to or Promoted in the Civil Service during the year 1887, &c.—Continued.

## POST OFFICE DEPARTMENT—Concluded.

## PROMOTIONS—Concluded.

Name.	Age.	Date of Appointment or Promotion.	Inside or Outside.	Rank or Office.	Salary.
					\$ cts.
C. O. Beatty.....	37	Feb. 1, 1887	Outside...	Ry. Mail Clerk, 1st Class	960 00
W. B. Sloan.....	25	Jan. 1, 1887	do .....	do 2nd Class	640 00
F. E. A. Harrison.....	26	do 1, 1887	do .....	do do	640 00
H. E. Phinney.....	25	do 1, 1887	do .....	do do	640 00
L. T. Prudhomme.....	27	do 1, 1887	do .....	do do	760 00
D. A. Barrett.....	37	Feb. 1, 1887	Inside .....	2nd Class Clerk.....	1,100 00
Charles Pope.....	29	do 1, 1887	do .....	do .....	1,100 00
J. T. Keith.....	29	Jan. 1, 1887	Outside.....	Ry. Mail Clerk, 2nd Class	640 00
Charles Falconer.....	33	Feb. 1, 1887	Inside .....	1st Class Clerk.....	1,400 00
W. E. Bennett.....	32	Mar. 1, 1887	Outside.....	Assistant P. O. Inspector	1,200 00
Charles Curran.....	39	April 1, 1887	do .....	2nd Class Clerk.....	900 00
M. Whitty.....	32	do 1, 1887	do .....	do .....	900 00
A. Foldus.....	29	July 1, 1887	do .....	Post Office Inspector.....	2,000 00
A. C. Crisp.....	32	Jan. 1, 1887	do .....	2nd Class Clerk.....	900 00
F. G. Moon.....	27	July 1, 1887	Inside .....	do .....	1,100 00
W. H. McQuaig.....	35	do 1, 1887	do .....	do .....	1,100 00
Thos. McGrail.....	28	do 1, 1887	do .....	do .....	1,100 00
G. M. Harris.....	27	Aug. 1, 1887	Outside.....	Ry. Mail Clerk, 2nd Class	720 00
J. Pringle.....	35	do 1, 1887	do .....	do do	720 00
S. J. R. Sircom.....	29	July 1, 1887	do .....	2nd Class Clerk.....	900 00
D. Stewart.....	32	do 1, 1887	do .....	1st Class Clerk and Acting Asst. Inspector.....	1,200 00
A. Brown.....	29	do 1, 1887	do .....	Ry. Mail Clerk, 1st Class	960 00
W. Hatch.....	31	do 1, 1887	do .....	2nd Class Clerk.....	900 00
O. Z. Talbot.....	35	Jan. 1, 1887	do .....	Ry. Mail Clerk, 1st Class	960 00
G. Marsan.....	29	Oct. 1, 1887	do .....	Assistant Inspector.....	1,200 00
J. G. Strachan.....	55	July 1, 1887	do .....	2nd Class Clerk.....	900 00
E. J. Freese.....	29	Dec. 1, 1887	do .....	Ry. Mail Clerk, 2nd Class	720 00
Wm. Murphy.....	32	Dec. 1, 1887	Outside .....	Ry. Mail Clerk, 2nd Class	640 00
L. N. A. Dorais.....	28	July 1, 1887	do .....	do .....	640 00

## DEPARTMENT OF THE INTERIOR.

## APPOINTMENTS.

Joseph Arthur Oôté.....	25	Dec. 1, 1886	Inside .....	3rd Class Clerk.....	550 00
Frank Wm. C. Ouning.....	25	do 1, 1886	do .....	do .....	500 00
Brown Lee York.....	26	do 1, 1886	do .....	do .....	400 00
Chas. Wentworth Badgley...	23	do 1, 1886	do .....	do .....	400 00
Charles Caron Pelletier.....	25	Jan. 1, 1887	do .....	do .....	400 00
Joseph Patrick Dunne.....	22	do 1, 1887	do .....	do .....	400 00
Samuel John Willoughby.....	22	do 1, 1887	do .....	do .....	400 00
Arthur Oliver Wheeler.....	27	July 1, 1887	do .....	do .....	700 00
James Shore Eagleson.....	31	do 1, 1887	do .....	do .....	450 00
Peter Robertson.....	34	April 1, 1887	do .....	do .....	500 00
Robert Dunlop.....	32	Jan. 1, 1887	do .....	do .....	400 00
George Alexander Stewart...	57	do 1, 1887	Outside.....	Superintendent of the Park at Hot Springs, Banff, N.W.T.....	1,800 00
J. H. Morgan .....		July 1, 1887		For the purpose of enquiring into and reporting on propagation of forest trees in Manitoba and N.W.T.....	\$6.00 per day, 2,190 00

RETURN of the Names and Salaries of all Persons Appointed to or Promoted in the  
Civil Service during the year 1887—*Continued.*

DEPARTMENT OF THE INTERIOR—*Concluded.*

APPOINTMENTS—*Concluded.*

Name.	Age	Date of Appointment or Promotion.	Inside or Outside.	Rank or Office.	Salary.
George Young.....	30	Oct. 15, 1887	.....	Dominion Lands Agent for Dufferin District...	\$ cts. 1,200 00
Edwin Fred. Thos. Brokovski	49	Nov. 1, 1887	.....	Dominion Lands Agent for Battleford District.	1,200 00
John Flesher <i>vice</i> J. A. Hays, whose services are dispensed with.....	54	Jan. 7, 1887	.....	Dominion Lands Agent for Turtle Mountain District	1,200 00
Peter McGill Barker.....	44	Dec. 27, 1886	.....	To assist and instruct Registrars in the N. W. Territories .....	1,600 00
Hugh Bowlsby W. Aikman...	50	Dec. 21, 1883, confirmation of Appointment dated May 16, 1887, as per O. C.	.....	Dominion Lands Agent for Province of British Columbia.....	2,800 00

PROMOTIONS.

George Bell.....	37	July 1, 1887	Inside .....	2nd Class Clerk.....	1,100 00
Frank Nelson.....	28	do 1, 1887	do .....	do .....	1,100 00

*Note.*—Robert Lang, late 1st Class Clerk, dismissed by O. C. No. 1209 of 10th June, 1887, to date from 1st March, 1885.

Eugène Clementi Smith, late Dominion Lands Agent for Souris District, allowed to retire on account of ill-health by O. C. No. 2224 of 8th Nov., 1887.

GEOLOGICAL SURVEYS BRANCH.

APPOINTMENTS.

*Marius Antoine Eug. Coste.	28	July 1, 1887	Inside .....	Mining Engineer.....	1,500 00
Amos Bowman.....	48	do 1, 1887	do .....	2nd Class Clerk.....	1,100 00
Andrew Cowper Lawson....	28	do 1, 1887	do .....	do .....	1,100 00

PROMOTIONS—NIL.

\* As per O. C. No. 1439 of 6th July, 1887.

DEPARTMENT OF AGRICULTURE.

APPOINTMENTS.

Merriek, Henry.....	.....	June 23, 1887	Outside....	Emigration Agent.....	1,000 00
McLay, Archibald, M.D.....	.....	July 25, 1887	do .....	Mortuary Statistical Officer.....	113 40
Hilborn, Wm. Wilson .....	35	do 18, 1887	do .....	Horticulturist, Central Experimental Farm....	1,200 00

RETURN of the Names and Salaries of all Persons Appointed to or Promoted in the Civil Service, during the Year 1887—*Continued.*

DEPARTMENT OF AGRICULTURE—*Concluded.*

APPOINTMENTS—*Concluded.*

Name.	Age.	Date of Appointment or Promotion.	Inside or Outside.	Rank or Office.	Salary.
					\$ cts.
Fletcher, James.....	35	July 18, 1887	Outside....	Entomologist and Botanist, Central Experimental Farm.....	1,500 00
Schutt, Frank T.....	26	do 18, 1887	do .....	Chemist, Central Experimental Farm.....	1,200 00
Blair, William .....	51	do 18, 1887	do .....	Superintendent of Agriculture, Experimental Farms in Maritime Provinces.....	1,200 00
McKay, Angus.....	48	do 18, 1887	do .....	Superintendent of Agriculture for Experimental Farm in N.W.T.	1,200 00
Coventry, John, M.D.....	51	Aug. 26, 1887	do .....	Mortuary Statistical Officer.....	116 40
McMillan, John, M.D.....	54	Sept. 6, 1887	do .....	Inspecting Physician.....	400 00
Desjardins, Alfred Wilfred ..	29	Nov. 28, 1887	Inside .....	3rd Class Clerk.....	400 00
Pope, Richard .....	60	Dec. 26, 1887	do .....	Chf. Clerk, Patent Branch	2,250 00

PROMOTIONS—NIL.

PRIVY COUNCIL OFFICE.

APPOINTMENTS.

*James And. Jos. McKenna	25	July, 1, 1887	Inside.....	3rd Class Clerk.....	450 00
<i>Transfers.</i>					
S. E. St. Onge Chapleau.....		Dec. 26, 1887	do .....	Chief Clerk, Clerk of the Crown in Chancery.....	2,050 00
D. C. F. Bliss .....	24	Nov. 28, 1887	do .....	3rd Class Clerk.....	700 00

PROMOTIONS—NIL.

\* J. A. J. McKenna was transferred to Department of Indian Affairs, 28th November, 1887.

DEPARTMENT OF MARINE.

APPOINTMENTS.

Alonzo Herrett Gulon.....	21	April 4, 1887	Inside.....	3rd Class Clerk.....	400 00
Henry J. McHugh.....	43	Jan, 1, 1887.	Outside....	Inspector of Signal Service. ....	950 00

PROMOTIONS.

No promotions in Inside Service, but the Statutory increase of \$50 per annum was allowed Messrs. F. Gourdeau, W. E. Alexander, M. P. McElhinney, A. W. Owen, J. M. Oxley, V. H. Steele, Andrew Balkett and J. O. McOlenaghan.

In the Outside Service the salary of Edward Adams, Steamboat Inspector, was increased to \$1,100; of George Duiwan, Lighthouse Keeper, Gibraltar Point, Toronto, to \$625; and L. C. de Bonmont, Lighthouse Keeper, Grundy Island, Straits of Belleisle, to \$800 per annum.

RETURN of the Names and Salaries of all Persons Appointed to or Promoted in the Civil Service during the Year 1887, &c.—Continued.

## DEPARTMENT OF CUSTOMS.

## APPOINTMENTS.

Name.	Age.	Date of Appointment or Promotion.	Inside or Outside.	Rank or Office.	Salary.
					\$ cts.
Geo. D. Sutherland.....	56	Jan. 1, 1887.	Outside....	Appraiser .....	1,200 00
Wm. Strachan Law.....	54	do 1, 1887.	do .....	Sub-Collector.....	500 00
John Rogerson.....	50	do 1, 1887.	do .....	Tide Waiter .....	500 00
Prudent A. Babin.....	58	do 1, 1887.	do .....	Sub-Collector .....	400 00
Samuel Sanderson.....	33	do 1, 1887.	do .....	do .....	250 00
Francis E. Kilvert.....	49	Feb. 1, 1887.	do .....	Collector .....	2,750 00
A. E. Macvicar.....	19	do 1, 1887.	do .....	Landing Waiter.....	500 00
Wm. Peppard.....	37	do 1, 1887.	do .....	Preventive Officer.....	350 00
Lewis McInnis.....	58	do 1, 1887.	do .....	do .....	100 00
Chas. A. Smith.....	42	do 1, 1887.	do .....	Sub-Collector .....	150 00
Robt. Lamont.....	54	Oct. 8, 1835.	do .....	Landing Waiter.....	600 00
Wm. Henry House.....	30	do 21, 1885.	do .....	Preventive Officer.....	600 00
Henry Caregill.....	—	Mar. 1, 1887.	do .....	do .....	500 00
Thos. Scott.....	46	do 1, 1887.	do .....	Collector.....	3,000 00
Octave Geroux.....	34	do 3, 1887.	do .....	Messenger.....	500 00
Joseph Brittain.....	48	April 1, 1887.	do .....	Preventive Officer.....	500 00
John Shannon.....	48	do 1, 1887.	do .....	do .....	200 00
Thomas Moody.....	57	do 1, 1887.	do .....	do .....	300 00
Adam Hudspeth.....	—	do 1, 1887.	do .....	do .....	500 00
Geo. B. Swainn.....	39	do 1, 1887.	do .....	do .....	150 00
Montague Stephen.....	28	do 1, 1887.	do .....	Sub-Collector .....	75 00
George Long.....	48	do 18, 1887.	do .....	do .....	400 00
Wellington J. Knox.....	28	do 18, 1887.	do .....	Landing Waiter.....	600 00
Geo. W. Jessop.....	47	do 18, 1887.	do .....	Assistant Dominion Appraiser and Clerk.....	1,200 00
Wm. Cox Allen.....	67	May 1, 1847.	do .....	Collector .....	1,200 00
Wm. Wallace Thompson.....	35	do 1, 1887.	do .....	Clerk and Land'g Waiter	600 00
Robt. H. Park.....	54	do 1, 1887.	do .....	Clerk.....	600 00
Geo. Lewis.....	58	do 1, 1887.	do .....	Preventive Officer.....	225 00
Robt. Kirkpatrick.....	48	do 1, 1844.	do .....	Sub-Collector .....	400 00
Wm. Taylor House.....	45	June 1, 1887.	do .....	Land'g Waiter and Clerk	600 00
Wm. Dixon.....	49	do 6, 1887.	do .....	Sub-Collector.....	500 00
Wm. Alfred Dennis.....	34	do 6, 1887.	do .....	Preventive Officer.....	500 00
Walter Armstrong.....	32	do 10, 1887.	do .....	Sub-Collector.....	500 00
James Grier.....	34	July 1, 1886.	do .....	Clerk.....	600 00
Thomas Bradley.....	44	do 1, 1887.	do .....	Preventive Officer.....	1,000 00
Philip H. Hamblly.....	52	do 1, 1887.	do .....	do .....	600 00
James P. Sixby.....	52	do 1, 1887.	do .....	do .....	500 00
Théotime Blanchard.....	43	do 1, 1887.	do .....	do .....	100 00
Robert H. Bolman.....	55	do 1, 1887.	do .....	do .....	100 00
F. W. Hatheway.....	33	do 1, 1887.	do .....	do .....	100 00
Henry K. Dunn.....	41	do 1, 1887.	do .....	Clerk and Land'g Waiter	600 00
Thomas O'Leary.....	39	do 1, 1887.	do .....	Sub-Collector .....	60 00
Patrick O'Toole.....	49	do 1, 1887.	do .....	do .....	150 00
Charles Dittmars.....	50	do 1, 1887.	do .....	do .....	200 00
George Johnstone.....	49	do 1, 1887.	do .....	Clerk and Land'g Waiter	800 00
John M. Bowell.....	31	do 1, 1887.	do .....	Collector .....	1,800 00
Daniel O. Stuart.....	43	do 15, 1887.	do .....	Preventive Officer.....	750 00
Peter Smith.....	66	Aug. 1, 1887.	do .....	do .....	600 00
John Wallace.....	66	do 1, 1887.	do .....	Collector.....	600 00
Francis O'Connor.....	43	Nov. 1, 1887.	do .....	Assistant Appraiser.....	800 00
C. S. Rowe.....	55	do 1, 1887.	do .....	Preventive Officer.....	500 00
W. A. Park.....	34	do 1, 1887.	do .....	Collector .....	1,000 00
J. F. Paquette.....	25	do 1, 1887.	do .....	Landing Waiter .....	500 00
Richard Lemieux.....	27	Dec. 1, 1887.	do .....	do and Clerk	600 00

RETURN of the Names and Salaries of all Persons Appointed to or Promoted in the Civil Service, during the Year 1887—*Continued.*

DEPARTMENT OF CUSTOMS—*Concluded.*

APPOINTMENTS—*Concluded.*

Name.	Age.	Date of Appointment or Promotion.	Inside or Outside.	Rank or Office.	Salary.
					\$ cts.
Napoleon P. Martin.....	36	Dec. 1, 1887.	Outside....	Tide Waiter .....	550 00
William Roberts .....	47	do 1, 1887.	do ...	do .....	550 00
Michael Roach .....	23	do 1, 1887.	do ...	do .....	500 00
Wm. D. Woods.....	24	do 1, 1887.	do ...	Clerk.....	600 00
Thomas A. Hood.....	22	do 1, 1887.	do ...	Messenger .....	500 00

PROMOTIONS.

W. J. O'Hara.....	39	Jan. 1, 1887.	Outside....	Chief Clerk .....	2,000 00
Jas. G. Morris .....	39	Mar. 1, 1887.	do ...	do .....	1,200 00
Jas. O'Brien.....	49	do 1, 1887.	do ...	Cashier .....	1,100 00

DEPARTMENT OF JUSTICE.

APPOINTMENTS.

J. E. Narraway .....	30	July 1, 1887	Inside....	3rd Class Clerk and Accountant .....	1,000 00
V. Webb.....	19	Nov. 1, 1887	do ....	Messenger .....	300 00

PROMOTIONS—NIL.

DEPARTMENT OF INLAND REVENUE.

APPOINTMENTS.

Charles Burocher .....	46	Jan. 1, 1887	Outside....	Collector Canal Tolls....	500 00
Eugène H. Simon .....	24	Feb. 14, 1887	do .....	Exciseman .....	500 00
Charles Coleman.....	40	Dec. 21, 1886	do .....	Deputy Collector Inland Revenue .....	1,000 00
J. A. Olivier.....	58	April 1, 1887	do .....	Inspector Weights and Measures .....	1,900 00
Jas. Williamson.....	32	Jan. 1, 1887	do .....	Messenger .....	400 00
H. E. Ross .....	31	June 1, 1887	do .....	Assist. Inspector Weights and Measures.....	600 00
Daniel Walsh.....	22	July 1, 1887	do .....	Exciseman .....	500 00
John B. McCloskey.....	33	do 12, 1887	do .....	do .....	500 00
Jas. McD. Caven.....	20	do 9, 1887	do .....	do .....	500 00
*Richard Jones.....	36	June 1, 1887	do .....	Collector Inland Revenue	800 00
A. B. Macdonald.....	32	Aug. 2, 1887	do .....	Exciseman .....	500 00
Chas. Ouries .....	40	do 1, 1887	do .....	Preventive Officer.....	800 00
James Bogue.....	43	do 1, 1887	do .....	do .....	500 00
Thomas Clair.....	31	do 1, 1887	do .....	do .....	250 00
Wm. Lawlor.....	do	do 1, 1887	do .....	do .....	500 00
James O. Ferguson.....	48	do 1, 1887	do .....	do .....	600 00
Robt. C. Jamieson.....	44	July 1, 1887	do .....	Deputy Collector Inland Revenue .....	800 00
H. O. S. Dixon.....	30	Aug. 12, 1887	do .....	Exciseman .....	500 00

\*Salary as Inspector of Weights and Measures is reduced from \$1,000 to \$803, from 1st June, 1887.

RETURN of the Names and Salaries of all Persons Appointed to or Promoted in the Civil Service during the year 1887—Continued.

DEPARTMENT OF INLAND REVENUE—Concluded.

APPOINTMENTS—Concluded.

Name.	Age.	Date of Appointment or Promotion.	Inside or Outside.	Rank or Office.	Salary.
D. Coughlin.....	46	Aug. 8, 1887	Outside...	Mechanical Assistant Inspector Weights and Measures.....	\$ cts. 600 00
Anthony McCullough.....	16	do 8, 1887	Inside.....	Messenger.....	300 00
E. Lyons.....	25	Sept. 3, 1887	Outside...	Exciseman.....	500 00
J. Watkins Bickle.....	38	Nov. 14, 1887	do .....	do .....	500 00
George Samuel Keeler.....	51	Dec. 7, 1887	do .....	do .....	500 00
Chas. Joseph Reddan.....	Nov. 10, 1887	do .....	do .....	do .....	500 00
Robert Irwin.....	46	Dec. 23, 1887	do .....	do .....	500 00
John Cahill.....	Nov. 10, 1887	do .....	do .....	do .....	500 00
A. McGill.....	40	do 1, 1887	do .....	Assistant Analyst.....	1,000 00

PROMOTIONS.

James Gow.....	59	Jan. 1, 1887	Outside....	District Inspector.....	2,000 00
H. A. Costigan.....	27	do 1, 1887	do .....	Collector Inland Revenue.....	1,500 00
W. J. Christie.....	31	do 1, 1887	do .....	Deputy Collector Inland Revenue.....	1,200 00
Chas. A. Hesson.....	27	do 1, 1887	do .....	do .....	1,000 00
T. G. Davis.....	40	do 1, 1887	do .....	do .....	1,300 00
G. V. Elwood.....	47	do 1, 1887	do .....	do .....	1,000 00
W. J. Gerald.....	37	Feb. 7, 1887	Inside .....	Assistant Commissioner.....	2,500 00
Daniel Carroll.....	45	Jan. 1, 1887	Outside....	1st Class Exciseman.....	840 00
F. G. Wainwright.....	47	do 1, 1887	do .....	2nd do .....	750 00
J. E. Cox.....	26	do 1, 1887	do .....	2nd do .....	700 00
J. D. Fox.....	22	do 1, 1887	do .....	2nd do .....	700 00
F. X. J. A. Toupin.....	40	do 1, 1887	do .....	2nd do .....	700 00
W. H. Gerald.....	30	do 1, 1887	do .....	2nd do .....	700 00
T. C. Hamilton.....	23	do 1, 1887	do .....	2nd do .....	700 00
J. W. Dick.....	30	do 1, 1887	do .....	1st do .....	840 00
J. E. Miller.....	28	do 1, 1887	do .....	1st do .....	800 00
J. Stewart.....	39	do 1, 1887	do .....	1st do .....	800 00
Wm. McCoy.....	32	do 1, 1887	do .....	2nd do .....	700 00
J. F. O'Brien.....	29	do 1, 1887	do .....	2nd do .....	700 00
Wm. Amor.....	46	do 1, 1887	do .....	2nd do .....	700 00
Thos. Westman.....	24	April 1, 1887	do .....	Exciseman.....	500 00
T. Grimeson.....	33	do 1, 1887	do .....	Deputy Collector Inland Revenue.....	800 00
J. B. Powell.....	39	May 1, 1887	do .....	Collector Inland Revenue.....	1,400 00
William Gill.....	50	July 1, 1887	do .....	District Inspector.....	2,000 00
Jas. E. Cox.....	26	do 1, 1887	do .....	1st Class Exciseman.....	800 00
J. D. Fox.....	22	do 1, 1887	do .....	do .....	800 00
W. H. Gerald.....	30	do 1, 1887	do .....	do .....	800 00
George Fowler.....	28	do 1, 1887	Inside....	3rd Class Clerk.....	500 00
W. Crowe.....	41	do 1, 1886	Outside....	Special Class Exciseman.....	1,200 00
T. M. Till.....	40	do 1, 1887	do .....	Deputy Collector Inland Revenue.....	1,100 00
P. E. Bourassa.....	33	do 1, 1887	do .....	Inspector Weights and Measures.....	1,000 00
W. F. Miller.....	46	Nov. 1, 1887	do .....	Collector Inland Revenue.....	1,500 00
*R. M. King.....	Sept. 1, 1887	do .....	do .....	Deputy Collector.....	1,200 00
J. B. Ryan.....	51	do 1, 1887	Outside....	Inspector Weights and Measures.....	1,000 00
J. Byrnes.....	28	July 1, 1887	Inside....	2nd Class Clerk.....	1,100 00
Neil Stewart.....	46	do 1, 1887	do .....	1st do .....	1,400 00

P. M. Robins to be styled Chief Accountant from 22nd October, 1873. O. O. 19th July, 1887.

\* Transferred from Weights and Measures to Excise Service as Deputy Collector.

RETURN of the Names and Salaries of all Persons appointed to or promoted in the Civil Service during the Year 1887, &c.—*Continued.*

## DEPARTMENT OF FINANCE.

## APPOINTMENTS.

Name.	Age.	Date of Appointment or Promotion.	Inside or Outside.	Rank or Office.	Salary.
					\$ cts.
Frederick A. Evans .....	25	July 1, 1887.	Inside ...	Messenger .....	300 00

## PROMOTIONS—NIL.

## DEPARTMENT OF PUBLIC WORKS.

## APPOINTMENTS.

Théophile Fortier .....	42	Sept. 20, 1887.	Inside .....	2nd Class Clerk .....	1,100 00
James Steen Rowan .....	51	Mar. 18, 1887.	Outside....	Slide Master, Petawawa Slide, Ottawa River Works.....	300 00
Thomas Campbell.....	55	April 12, 1887.	do ....	Ferryman, Burlington Channel.....	400 00

## PROMOTIONS.

Horace Talbot .....	39	July 1, 1887.	Inside .....	2nd Class Clerk .....	1,100 00
Stephen O'Brien.....	23	Sept. 1, 1887.	do ....	do .....	1,100 00

## DEPARTMENT OF MILITIA AND DEFENCE.

## APPOINTMENTS.

Wm. James Davidson.....	39	July 1, 1886.	Inside .....	3rd Class.....	750 00
-------------------------	----	---------------	--------------	----------------	--------

## PROMOTIONS—NIL.

## DEPARTMENT OF HOUSE OF COMMONS.

## APPOINTMENTS.

H. F. McCord .....	31	Mar. 23, 1887.	.....	Assistant Law Clerk, Chief Clerk.....	1,800 00
M. Dolan .....	57	April 1, 1887.	.....	Nightwatchman .....	600 00
L. Lafranchise .....	62	July 1, 1887.	.....	Messenger.....	600 00

## PROMOTIONS.

William Wilson.....	52	Feb. 1, 1887.	.....	Law Clerk.....	3,200 00
A. G. D. Taylor.....	57	Jan. 1, 1887.	.....	Chief Clerk.....	2,200 00
J. R. E. Chapleau .....	43	do 1, 1887.	.....	do .....	2,200 00
Wm. Cairns.....	38	July 1, 1887.	.....	3rd Class Clerk.....	600 00
B. Craig.....	58	April 1, 1887.	.....	Messenger .....	600 00

RETURN of the Names and Salaries of all Persons Appointed to or Promoted in the Civil Service during the year 1887, &c.—*Continued.*

## DEPARTMENT OF INDIAN AFFAIRS.

## APPOINTMENTS.

Name.	Age.	Date of Appointment or Promotion.	Inside or Outside.	Rank or Office.	Salary.
					\$ cts.
Ida Helena Wilson.....	32	Jan. 29, 1887	Inside .....	3rd Class Clerk.....	400 00
* James A. J. McKenna.....	25	Nov. 28, 1887	do .....	do .....	450 00
Alexander George Smith.....	38	May 23, 1887	Outside ..	Clerk .....	900 00
James Allen.....	60	Nov. 7, 1887	do ..	Indian Agent.....	500 00
Antoine Bastien .....	30	July 1, 1886	do ..	do .....	200 00
Rev. Edouard Claude.....	31	March 7, 1887	do ..	Principal, Industrial School, High River, N.W.T.....	1,200 00
William Laurie.....	31	do 5, 1887	do ..	Clerk, Battleford, N.W.T.....	720 00
John Carney.....	56	do 5, 1887	do ..	Storeman, Battleford.....	730 00
Archibald William Ponton..	28	do 18, 1887	do ..	Assistant Surveyor.....	1,400 00
Stephen Y. Wooten.....	36	May 27, 1887	do ..	Stipendiary Magistrate...	2,600 00
John B. Ashby.....	37	July 1, 1887	do ..	Assistant Principal, Industrial School, Battleford, N.W.T.....	720 00
J. Finlayson.....		Oct. 27, 1887	do ..	Indian Agent.....	1,000 00
E. S. McKensie.....		do 27, 1887	do ..	do ..	1,000 00
William A. Macrae.....		do 27, 1887	do ..	Inspector of Indian Schools, N.W.T.....	1,200 00

## PROMOTIONS.

J. D. McLean .....	32	Sept. 20, 1887	Inside .....	1st Class Clerk.....	1,500 00
W. A. Orr.....	32	July 1, 1887	do .....	2nd do .....	1,100 00
Samuel Bray.....	41	do 1, 1887	do .....	2nd do .....	1,100 00

\* Transferred from Privy Council.

## DEPARTMENT OF THE SENATE OF CANADA.

## APPOINTMENTS.

J. de St. Denis LeMoine.....		June 8, 1887	Inside .....	Sergeant-at-Arms and Clerk of French Journals .....	From 1st July, 1887, \$1,600
Mrs. Ivanhoe Taché.....		do 8, 1887	do .....	Assistant Clerk of French Journals until Session 1888 .....	
Edward Ashe.....	37	April 13, 1887	do .....	Messenger to Speaker.....	600 00
William L. Lambkin.....		June 16, 1887	do .....	Permanent Messenger....	600 00

## PROMOTIONS.

Charles Young.....		March 24, 1887	Inside .....	Junior Clerk.....	950 00
Joseph Larose.....		April 13, 1887	do .....	Speaker's Messenger.....	800 00



RETURN of the Names and Salaries of all Persons Appointed to or Promoted in the Civil Service during the year 1887, &c.—*Concluded.*

DEPARTMENT OF NORTH-WEST MOUNTED POLICE.

APPOINTMENTS.

Name.	Age.	Date of Appointment or Promotion.		Inside or Outside.	Rank or Office.	Salary.
						\$ cts.
Louis Alphonse Paré, M.D....	39	July	1, 1887	Outside....	Assistant Surgeon.....	1,000 00
Henry Dodd, M.D.....	.....	Oct.	1, 1887	do .....	do .....	1,000 00
Fred Hamilton Powell, M.D.	25	do	1, 1887	do .....	do .....	1,000 00
Edward Henry Hinchey .....	16	July	1, 1887	Inside .....	Messenger .....	300 00

PROMOTIONS.

Frank Harper.....	29	Jan.	1, 1887	Outside....	Inspector .....	1,000 00
Montague Baker.....	28	do	1, 1887	do .....	do .....	1,000 00
Walton Routledge.....	24	May	1, 1887	do .....	do .....	1,000 00
Peter Ayles, M.D.....	27	July	1, 1887	do .....	Assistant Surgeon .....	1,000 00
John Burnett, V.S..	29	do	1, 1887	do .....	Asst. Vet. Surgeon .....	700 00

DEPARTMENT OF THE GOVERNOR GENERAL'S SECRETARY.

APPOINTMENTS.

W. H. Walker... ..	22	July	1, 1887	Inside .....	3rd Class Clerk.....	750 00
--------------------	----	------	---------	--------------	----------------------	--------

PROMOTIONS—NIL.

DEPARTMENT OF THE LIBRARY OF PARLIAMENT.

APPOINTMENTS.

J. Albert Baudry .....	20	July	1, 1887	Inside .....	Messenger.....	300 00
------------------------	----	------	---------	--------------	----------------	--------

PROMOTIONS—NIL.

DEPARTMENT OF PUBLIC PRINTING AND STATIONERY.

APPOINTMENTS—NIL.

PROMOTIONS.

Auguste Potvin.....	40	July	1, 1887	Inside. ....	2nd Class Clerk .....	1,100 00
---------------------	----	------	---------	--------------	-----------------------	----------

OFFICE OF AUDITOR GENERAL.

APPOINTMENTS—NIL.

PROMOTIONS.

Arthur Bartlett Hudson.....	28	July	1, 1887	Inside, ....	2nd Class Clerk.....	1,100 00
John Warren Reid.....	27	do	1, 1887	do ....	do .....	1,100 00

---

---

## MESSAGE.

(36)

LANSDOWNE.

The Governor General transmits to the House of Commons a copy of the Fishery Treaty between Great Britain and the United States, in relation to the Fisheries of Canada and Newfoundland, signed at Washington on the fifteenth day of February, 1888; and the Protocols of the various conferences, together with the Protocol from the British plenipotentiaries offering to make a temporary arrangement for a period not exceeding two years in order to afford a *modus vivendi* pending the ratification of the Treaty, and the protocol of the American plenipotentiaries expressing their satisfaction with the *modus vivendi* communicated by the British plenipotentiaries.

GOVERNMENT HOUSE,

OTTAWA, 5th March, 1888.

---

WHEREAS, differences have arisen concerning the interpretation of Article I of the Convention of October 20th, 1818, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, being mutually desirous of removing all causes of misunderstanding in relation thereto, and of promoting friendly intercourse and good neighborhood between the United States and the Possessions of Her Majesty in North America, have resolved to conclude a Treaty to that end, and have named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, The Right Hon. Joseph Chamberlain, M.P., The Honorable Sir Lionel Sackville Sackville West, K.C.M.G., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, and Sir Charles Tupper, G.C.M.G., C.B., Minister of Finance of the Dominion of Canada.

And the President of the United States, Thomas F. Bayard, Secretary of State, William L. Putnam, of Maine, and James B. Angell, of Michigan;

Who having communicated to each other their respective Full Powers found in good and due form, have agreed upon the following articles:

### ARTICLE I.

The High Contracting Parties agree to appoint a Mixed Commission to delimit, in the manner provided in this Treaty, the British waters, bays, creeks and harbors of the coasts of Canada and Newfoundland, as to which the United States, by Article I of the Convention of October 20, 1818, between Great Britain and the United States, renounced for ever any liberty to take, dry or cure fish.

### ARTICLE II.

The Commission shall consist of two Commissioners to be named by Her Britannic Majesty and of two Commissioners to be named by the President of the United States, without delay, after the exchange of ratifications of this Treaty.

The Commission shall meet and complete the delimitation as soon as possible thereafter.

In case of the death, absence or incapacity of any Commissioner or in the event of any Commissioner omitting or ceasing to act as such, the President of the United States or Her Britannic Majesty respectively, shall forthwith name another person to act as Commissioner instead of the Commissioner originally named.

#### ARTICLE III.

The delimitation referred to in Article I of this Treaty shall be marked upon British Admiralty charts by a series of lines regularly numbered and duly described. The charts so marked shall, on the termination of the work of the Commission, be signed by the Commissioners in quadruplicate, three copies whereof shall be delivered to Her Majesty's Government and one copy to the Secretary of State of the United States. The delimitation shall be made in the following manner, and shall be accepted by both the High Contracting Parties as applicable for all purposes under Article I of the Convention of October 20, 1818, between Great Britain and the United States.

The three marine miles mentioned in Article 1 of the Convention of October 20, 1818, shall be measured seaward from low water mark, but at every bay, creek or harbor, not otherwise specially provided for in this Treaty, such three marine miles shall be measured seaward from a straight line drawn across the bay, creek or harbor, in the part nearest the entrance at the first point where the width does not exceed ten marine miles.

#### ARTICLE IV.

At or near the following bays the limits of exclusion under Article I of the Convention of October 20, 1818, at points more than three marine miles from low water mark, shall be established by the following lines, namely:—

At the Baie des Chaleurs the line from the Light at Birch Point on Miscou Island to Macquereau Point Light, at the Bay of Miramichi, the line from the Light at Point Escuminac to the Light on the eastern point of Tabisintac Gully, at Egmont Bay, in Prince Edward Island, the line from the Light at Cape Egmont to the Light at West Point, and off St. Ann's Bay, in the Province of Nova Scotia, the line from Cape Smoke to the Light at Point Aconi.

At Fortune Bay, in Newfoundland, the line from Connaigre Head to the Light on the South-easterly end of Brunet Island, thence to Fortune Head, at Sir Charles Hamilton Sound, the line from the South-east point of Cape Fogo to White Island, thence to the North end of Peckford Island, and from the South end of Peckford Island to the East Headland of Ragged Harbor.

At or near the following bays the limits of exclusion shall be three marine miles seaward from the following lines, namely:—

At or near Barrington Bay, in Nova Scotia, the line from the Light on Stoddard Island to the Light on the south point of Cape Sable, thence to the light at Baccaro Point, at Chedabucto and St. Peter's Bays, the line from Cranberry Island Light to Green Island, thence to Point Rouge; at Mira Bay, the line from the Light on the east point of Scatari Island to the North-easterly point of Cape Morien; and at Placentia Bay, in Newfoundland, the Line from Latine Point, on the Eastern mainland shore, to the most Southerly point of Red Island, thence by the most Southerly point of Merasheen Island to the mainland.

Long Island and Bryer Island, at St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bay.

#### ARTICLE V.

Nothing in this Treaty shall be construed to include within the common waters any such interior portions of any bays, creeks or harbors that cannot be reached from the sea without passing within the three marine miles mentioned in Article I of the Convention of October 20, 1818.

---

**ARTICLE VI.**

The Commissioners shall, from time to time, report to each of the High Contracting Parties such lines as they may have agreed upon, numbered, described and marked, as herein provided, with quadruplicate charts thereof, which lines so reported shall forthwith, from time to time, be simultaneously proclaimed by the High Contracting Parties, and to be binding after two months from such proclamation.

**ARTICLE VII.**

Any disagreement of the Commissioners shall forthwith be referred to an Umpire selected by Her Britannic Majesty's Minister at Washington and the Secretary of State of the United States, and his decision shall be final.

**ARTICLE VIII.**

Each of the High Contracting Parties shall pay its own Commissioners and officers. All other expenses jointly incurred, in connection with the performance of the work, including compensation to the Umpire, shall be paid by the High Contracting Parties in equal moieties.

**ARTICLE IX.**

Nothing in this Treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States.

**ARTICLE X.**

United States fishing vessels entering bays or harbors referred to in Article I of this Treaty shall conform to harbor regulations common to them and to fishing vessels of Canada or of Newfoundland.

They need not report, enter or clear, when putting into such bays or harbors for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water, except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter or clear, and no vessel shall be excused hereby from giving due information to boarding officers.

They shall not be liable in such bays or harbors for compulsory pilotage, nor, when therein for the purpose of shelter, or repairing damages, of purchasing wood or of obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, light dues or other similar dues, but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the Convention of October 20, 1818.

**ARTICLE XI.**

United States fishing vessels entering the ports, bays and harbors of the Eastern and North-eastern coasts of Canada or of the coasts of Newfoundland under stress of weather or other casualty may unload, reload, tranship or sell, subject to Customs laws and regulations, all fish on board, when such unloading, transshipment or sale is made necessary, as incidental to repairs, and may replenish outfits, provisions and supplies damaged or lost by disaster, and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews.

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States fishing vessels in such ports, promptly, upon application and without charge, and such vessels having obtained licenses in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to trading vessels, but such provisions or supplies shall not be obtained by barter, nor purchased for re-sale or traffic.

**ARTICLE XII.**

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coasts of the United States all the privileges reserved and secured by this Treaty to United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

**ARTICLE XIII.**

The Secretary of the Treasury of the United States shall make regulations providing for the conspicuous exhibition by every United States fishing vessel of its official number on each bow, and any such vessel required by law to have an official number, and failing to comply with such regulations, shall not be entitled to the licenses provided for in this Treaty.

Such regulations shall be communicated to Her Majesty's Government previously to their taking effect.

**ARTICLE XIV.**

The penalties for unlawfully fishing in the waters, bays, creeks and harbors, referred to in Article I of this Treaty, may extend to forfeiture of the boat or vessel and appurtenances, and also of the supplies and cargo aboard when the offence was committed, and for preparing in such waters to unlawfully fish therein, penalties shall be fixed by the court, not to exceed these for unlawfully fishing, and for any other violation of the laws of Great Britain, Canada or Newfoundland relating to the right of fishery in such waters, bays, creeks or harbors, penalties shall be fixed by the court, not exceeding in all three dollars for every ton of the boat or vessel concerned. The boat or vessel may be holden for such penalties and forfeitures.

The proceedings shall be summary and as inexpensive as practicable. The trial (except on appeal) shall be at the place of detention, unless the judge shall, on request of the defence, order it to be held at some other place, adjudged by him more convenient. Security for costs shall not be required of the defence except when bail is offered.

Reasonable bail shall be accepted. There shall be proper appeals available to the defence only, and the evidence at the trial may be used on appeal.

Judgments of forfeitures shall be reviewed by the Governor General of Canada in Council, or the Governor in Council of Newfoundland, before the same are executed.

**ARTICLE XV.**

Whenever the United States shall remove the duty from fish oil, whale oil, seal oil, and fish of all kinds (except fish preserved in oil) being the produce of fisheries carried on by the fishermen of Canada and Newfoundland, including Labrador, as well as from the usual and necessary casks, barrels, kegs, cans and other usual and necessary coverings, containing the products above mentioned, the like products being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland.

And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects, without duty being imposed thereon, the privilege of entering the ports, bays and harbors of the aforesaid coasts of Canada and Newfoundland shall be accorded to United States fishing vessels by annual licenses, free of charge, for the following purposes namely:—

1. The purchase of provisions, bait, ice, seines, lines and all other supplies and outfits,

2. Transhipment of catch, for transport by any means of conveyance.

3. Shipping of crews.

Supplies shall not be obtained by barter, but bait may be so obtained.

The like privileges shall be continued or given to fishing vessels of Canada and of Newfoundland on the Atlantic coasts of the United States.

## ARTICLE XVI.

This treaty shall be ratified by Her Britannic Majesty, having received the assent of the Parliament of Canada and of the Legislature of Newfoundland, and by the President of the United States, by and with the advice and consent of the Senate, and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, We, the respective plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals.

Done in duplicate at Washington this 15th day of February, in the year of Our Lord one thousand eight hundred and eighty-eight.

J. CHAMBERLAIN,  
L. S. SACKVILLE WEST,  
CHARLES TUPPER,  
T. F. BAYARD,  
WM. L. PUTNAM,  
JAMES B. ANGELL.

## PROTOCOL.

The Treaty having been signed, the British Plenipotentiaries desire to state that they have been considering the position which will be created by the immediate commencement of the fishing season before the Treaty can possibly be ratified by the Senate of the United States, by the Parliament of Canada and the Legislature of Newfoundland.

In the absence of such ratification, the old conditions which have given rise to so much friction and irritation might be revived and might interfere with the unprejudiced consideration of the Treaty by the legislative bodies concerned.

Under the circumstances, and with the further object of affording evidence of their anxious desire to promote good feeling and to remove all possible subjects of controversy, the British Plenipotentiaries are ready to make the following temporary arrangement for a period not exceeding two years, in order to afford a *modus vivendi* pending the ratification of the Treaty:—

1. For a period not exceeding two years from the present date, the privilege of entering the bays and harbors of the Atlantic coasts of Canada and of Newfoundland shall be granted to United States fishing vessels by annual licenses at a fee of \$1.50 per ton, for the following purposes:

The purchase of bait, ice, seines, lines and all other supplies and outfits.

Transshipment of catch and shipping of crews.

2. If during the continuance of this arrangement, the United States should remove the duties on fish, fish oil, whale and seal oil (and their coverings, packages, &c.,) the said licenses shall be issued free of charge.

3. United States fishing vessels entering bays and harbors of the Atlantic coasts of Canada or of Newfoundland for any of the four purposes mentioned in Article I of the Convention of October 20, 1818, and not remaining therein more than 24 hours, shall not be required to enter or clear at the Custom house, providing that they do not communicate with the shore.

4. Forfeiture to be exacted only for the offences of fishing or preparing to fish in territorial waters.

5. This arrangement to take effect as soon as the necessary measures can be completed by the Colonial authorities.

J. CHAMBERLAIN,  
L. S. SACKVILLE WEST,  
CHARLES TUPPER.

WASHINGTON, 15th February, 1888.

## PROTOCOL.

The American Plenipotentiaries having received the communication of the British Plenipotentiaries of this date conveying their plan for the administration to be observed by the Governments of Canada and Newfoundland in respect of the fisheries during the period which may be requisite for the consideration by the Senate of the Treaty this day signed, and the enactment of the legislation by the respective Governments therein proposed, desire to express their satisfaction with this manifestation of an intention on the part of the British Plenipotentiaries, by the means referred to, to maintain the relations of good neighborhood between the British Possessions in North America and the United States, and they will convey the communication of the British Plenipotentiaries to the President of the United States, with a recommendation that the same may be by him made known to the Senate for its information, together with the Treaty, when the latter is submitted to that body for ratification.

T. F. BAYARD,  
WILLIAM L. PUTNAM,  
JAMES B. ANGELL.

WASHINGTON, 15th February, 1888.

## I.

## PROTOCOL OF FISHERIES CONFERENCE.

WASHINGTON, 22nd November, 1887.

The Fisheries Conference having formally met, the Full Powers of the Plenipotentiaries were exhibited and found to be in good and due form, as follows:—  
GROVER CLEVELAND, President of the United States of America, to all whom these presents shall come, Greeting:

Know ye that, reposing special trust and confidence in the integrity and ability of Thomas F. Bayard, Secretary of State, William L. Putnam, of Maine, and James B. Angell, of Michigan, I hereby invest them with full power, jointly and severally, for and in the name of the United States, to meet and confer with Plenipotentiaries representing the Government of Her Britannic Majesty, for the purpose of considering and adjusting in a friendly spirit all or any questions relating to rights of fishery in the seas adjacent to British North America and Newfoundland which are in dispute between the Government of the United States and that of Her Britannic Majesty, and any other questions which may arise and which they may be authorized by their respective Governments to consider and adjust, and I also fully empower and authorize the said Thomas F. Bayard, William L. Putnam, and James B. Angell, jointly and severally, to conclude and sign any treaty or treaties touching the premises, for the final ratification of the President of the United States, by and with the advice and consent of the Senate, if such advice and consent be given.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

Given under my hand at the city of Washington, this eighteenth day of November, in the year of Our Lord one thousand eight hundred and eighty-seven, and of the Independence of the United States the one hundred and twelfth.

{ Seal. }

GROVER CLEVELAND.

By the President:

T. F. BAYARD, Secretary of State.

VICTORIA, R. AND I. VICTORIA, by the Grace of God, the of United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, &c., &c. To all and singular to whom these presents shall come, Greeting:

WHEREAS, for the purpose of considering and adjusting in a friendly spirit with Plenipotentiaries to be appointed on the part of Our Good Friends the United States of America, all or any questions relating to rights of Fishery in the seas adjacent to British North America and Newfoundland, which are in dispute between our Government and that of our said Good Friends, and any other questions which may arise which the respective Plenipotentiaries may be authorized by their Governments to consider and adjust, We have judged expedient to invest fit persons with full power to conduct on Our part the discussions in this behalf. Know Ye therefore that We, reposing especial trust and confidence in the wisdom, loyalty, diligence and circumspection of Our Right Trusty and Well-beloved Councillor Joseph Chamberlain, a member of our most Honorable Privy Council, and a member of Parliament, &c., of Our trusty and well-beloved the Honorable Sir Sackville Sackville West, Knight Commander of our most distinguished Order of St. Michael and St. George, Our Envoy Extraordinary and Minister Plenipotentiary to Our said Good Friends the United States of America, &c., &c., and of our trusty and well-beloved Sir Charles Tupper, Knight Grand Cross of our most distinguished Order of St. Michael and St. George, Companion of our most honorable Order of the Bath, Minister of Finance of the Dominion of Canada, &c., &c., have named, made, constituted and appointed, as We do by these Presents name, make, constitute and appoint them Our undoubted Plenipotentiaries; giving to them, or to any two of them, all manner of power and authority to treat, adjust and conclude, with such Plenipotentiaries as may be vested with similar power and authority on the part of Our Good Friends the United States of America, any Treaties, conventions or agreements that may tend to the attainment of the above-mentioned end, and to sign for us and in Our name, everything so agreed upon and concluded, and to do and transact all such other matters as may appertain to the finishing of the aforesaid work in as ample manner and form, and with equal force and efficiency as We Ourselves could do if Personally present; engaging and promising upon Our Royal word that whatever things shall be so transacted and concluded by our said Plenipotentiaries shall be agreed to, acknowledged and accepted by us in the fullest manner, and that We will never suffer, either in the whole or in part, any person whatsoever to infringe the same, or act contrary thereto as far as it lies in Our power. In witness whereof we have caused the Great Seal of our United Kingdom of Great Britain and Ireland to be affixed to these presents which We have signed with Our Royal Hand. Given at Our Court at Balmoral the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and eighty-seven, and in the fifty-first year of Our reign.

The British Plenipotentiaries proposed that Mr. Bayard, Secretary of State of the United States, should preside.

Mr. Bayard, while expressing appreciation of the proposal, stated the opinion, in which the other United States Plenipotentiaries concurred, that it was not necessary that any one should preside; and the proposal was permitted to rest.

Mr. John B. Moore, Third Assistant Secretary of State of the United States, acting as Secretary to the United States Plenipotentiaries, and Mr. J. H. G. Bergne, C.M.G., Superintendent of the Treaty Department of the British Foreign Office, acting as Secretary to the British Plenipotentiaries, were requested to make protocols of the Conference.

After some discussion of questions before the Conference, it was adjourned to 12 o'clock, m., of the 28th of November.

JOHN B. MOORE,  
J. H. G. BERGNE.



## II.

## PROTOCOL OF FISHERIES CONFERENCE.

WASHINGTON, 28th November, 1887.

The Conference having assembled, all the Plenipotentiaries being present, the protocol of the session held on the 22nd of November was approved.

After discussion of questions before the Conference, it was adjourned to the 30th of November.

J. H. G. BERGNE,  
JOHN B. MOORE.

The Conference had twenty-seven daily sessions afterwards, which were devoted to the discussion of questions before it.

## III.

## PROTOCOL OF FISHERIES CONFERENCE.

WASHINGTON, 15th February, 1888.

The Conference met at 5 o'clock, p.m., all the Plenipotentiaries being present.

The protocol of the previous session was approved, and the Conference then proceeded to the comparison of two printed drafts of a Treaty, which, being found to be correct, were duly signed by the Plenipotentiaries.

The Treaty having been signed, the British Plenipotentiaries presented the following paper:—

"The Treaty having been signed the British Plenipotentiaries desire to state that they have been considering the position which will be created by the immediate commencement of the fishing season before the Treaty can possibly be ratified by the Senate of the United States, by the Parliament of Canada and the Legislature of Newfoundland.

"In the absence of such ratification, the old conditions which have given rise to so much friction and irritation might be revived and might interfere with the unprejudiced consideration of the Treaty by the legislative bodies concerned.

"Under these circumstances, and with the further object of affording evidence of their anxious desire to promote good feeling and to remove all possible subjects of controversy, the British Plenipotentiaries are ready to make the following temporary arrangement for a period not exceeding two years, in order to afford a *modus vivendi* pending the ratification of the Treaty:

"1. For a period not exceeding two years from the present date, the privilege of entering the bays and harbors of the Atlantic coasts of Canada and of Newfoundland shall be granted to United States fishing vessels by annual licenses at a fee of \$1.50 per ton, for the following purposes:

"The purchase of bait, ice, seines, lines and all other supplies and outfits.

"Transhipment of catch and shipping of crews.

"2. If during the continuance of this arrangement, the United States should remove the duties on fish, fish oil, whale and seal oil (and their coverings, packages, &c.) the said licenses shall be issued free of charge.

"3. United States fishing vessels entering the bays and harbors of the Atlantic coasts of Canada or of Newfoundland for any of the four purposes mentioned in Article I of the Convention of October 20, 1818, and not remaining therein more than 24 hours, shall not be required to enter or clear at the Custom house, providing that they do not communicate with the shore.

"4. Forfeiture to be exacted only for the offences of fishing or preparing to fish in territorial waters.

"5. This arrangement to take effect as soon as the necessary measures can be completed by the Colonial authorities.

J. CHAMBERLAIN,  
L. S. SACKVILLE WEST,  
CHARLES TUPPER.

"WASHINGTON, 15th February, 1888."

To this communication the American Plenipotentiaries made the following reply:—

"The American Plenipotentiaries having received the communication of the British Plenipotentiaries of this date conveying their plan for the administration to be observed by the Governments of Canada and Newfoundland in respect of the Fisheries during the period which may be requisite for the consideration by the Senate of the Treaty this day signed, and the enactment of the legislation by the respective Governments therein proposed, desire to express their satisfaction with this manifestation of an intention on the part of the British Plenipotentiaries, by the means referred to, to maintain the relations of good neighborhood between the British Possessions in North America and the United States, and they will convey the communication of the British Plenipotentiaries to the President of the United States, with a recommendation that the same may be by him made known to the Senate for its information, together with the Treaty, when the latter is submitted to that body for ratification.

T. F. BAYARD,  
WILLIAM L. PUTNAM,  
JAMES B. ANGELL.

"WASHINGTON, 15th February, 1888."

Mr. Bayard referred, on behalf of the American Plenipotentiaries, to the services of the Secretaries during the sessions of the Conference, and proposed than an expression of thanks be made to them for their assistance. In this the British Plenipotentiaries concurred.

Mr. Bayard then said that he wished to express his gratification at what had been accomplished. He hoped and believed the Conference had laid the basis upon which Canada and the United States could look forward to a period of enlarged intercourse and increasingly friendly relations. As he had expressed him, self before, he felt that as a result of the controversies of the two preceding years the two countries stood at the parting of the ways, and it became necessary to determine whether their future should be in the direction of friendship and mutual convenience, or of unfriendliness and alienation. He hoped the work that had been done by the Conference would decide that question, and that the bonds of amity between the two countries would be strengthened by the ties of friendly and mutually beneficial intercourse.

Mr. Chamberlain said that on behalf of the British Plenipotentiaries, he desired, at the conclusion of the lengthened deliberations of the Conference, to acknowledge the uniform courtesy of their American colleagues. The same spirit had animated all who had engaged in this work, and he hoped and believed had contributed to a joint and honorable settlement of a long pending controversy, which has more than once threatened the friendly relations of the United States and Great Britain.

The responsibility would now rest on other shoulders; but whatever the result might be, the Plenipotentiaries would have the satisfaction of knowing that they had at least done their part in endeavoring not merely to remove existing causes of irritation, but also to promote in the future that cordial amity and sentiment of good neighborhood which were so desirable in the case of kindred and bordering nations.

Sir Charles Tupper said: "Mr. Bayard, I must add a few words to what has been so well said by Mr. Chamberlain. I desire on behalf of Canada to say that I think the conciliatory spirit in which we both met last Easter has found expression in the terms of this Treaty. I hope it will remove all causes of irritation between

Great Britain and the United States, and conduce to the continuance and extension of those intimate commercial relations which have so long existed between Canada and the United States with marked advantage to both countries. I sincerely hope that the settlement at which we have arrived will be accepted by the people on both sides of the boundary line as an equitable and honorable arrangement."

At the suggestion of Mr. Putnam, the secretaries were requested by the Plenipotentiaries to embody the remarks of Mr. Bayard, Mr. Chamberlain and Sir Charles Tupper in the protocol of the session.

The Conference was then finally adjourned.

J. H. G. BERGE, N.  
J. B. MOORE.

---

## COPY

(36a)

Of the Statement presented by the British Plenipotentiaries to the Fisheries Commission at Washington, in relation to reciprocal trade relations between Canada and the United States, and the answer of the American Plenipotentiaries thereto.

---

Sir Charles Tupper begged leave therefore formally to hand in the following proposal from the British Plenipotentiaries:—

That with the view of removing all causes of difference in connection with the fisheries, it is proposed by Her Majesty's Plenipotentiaries that the fishermen of both countries shall have all the privileges enjoyed during the existence of the Fishery Articles of the Treaty of Washington—in consideration of a mutual arrangement providing for greater freedom of commercial intercourse between the United States and Canada and Newfoundland.

Mr. Bayard's reply:—

While continuing their proposal heretofore submitted—on the 30th ult.—and, fully sharing the desire of Her Britannic Majesty's Plenipotentiaries to remove all causes of difference in connection with the fisheries, the American Plenipotentiaries are constrained, after careful consideration, to decline to ask from the President authority requisite to consider the proposal conveyed to them on the 3rd inst. as a means to the desired end—because the greater freedom of commercial intercourse so proposed would necessitate an adjustment of the present tariff of the United States by Congressional action, which adjustment the American Plenipotentiaries consider to be manifestly impracticable of accomplishment through the medium of a treaty under the circumstances now existing.

Nor could the American Plenipotentiaries admit that such a mutual arrangement as is proposed by Her Britannic Majesty's Plenipotentiaries could be accepted as constituting a suitable basis of negotiation concerning the rights and privileges claimed for American fishing vessels. It still appears to the American Plenipotentiaries to be possible to find an adjustment of differences by agreeing on an interpretation or modification of the Treaty of 1818, which will be honorable to both parties and remove the present cause of complaint, to which end they are now, as they have been from the beginning of this Conference, ready to devote themselves.

## FISHERY NEGOTIATIONS.

(36b)

On the 31st of May, 1887, Mr. Bayard wrote "personally and unofficially" to Sir Charles Tupper, as follows:—

WASHINGTON, D. C., May 31, 1887

MY DEAR SIR CHARLES.—The delay in writing you has been unavoidable. In the very short interview afforded by your visit I referred to the embarrassment arising out of the gradual practical emancipation of Canada from the control of the mother country and the consequent assumption by that community of attributes of autonomous and separate sovereignty, not, however, distinct from the Empire of Great Britain. The awkwardness of this imperfectly developed sovereignty is felt most strongly by the United States, which cannot have formal relations with Canada, except directly and as a colonial dependency of the British Crown, and nothing could better illustrate the embarrassment arising from this amorphous condition of things than by the volumes of correspondence published severally this year relating to the fisheries by the United States, Great Britain, and the Government of the Dominion. The time lost in this circumlocution, although often most regrettable, was the least part of the difficulty, and the indirectness of appeal and reply was the most serious feature, ending, as it did, very unsatisfactorily.

It is evident that the commercial intercourse between the inhabitants of Canada and those of the United States has grown into too vast proportions to be exposed much longer to this wordy triangular duel, and more direct and responsible methods should be resorted to. Your own able, earnest and patriotic services in the Government and Parliament of the Dominion are well known, and afford ample proof of your comprehension of the resources, rapidly increasing interests, and needs of British North America. On the other hand, I believe I am animated by an equal desire to serve my own country; and trust to do it worthily. The immediate difficulty to be settled is found in the Treaty of 1818 between the United States and Great Britain, which has been *questio vexata* ever since it was concluded, and to-day is suffered to interfere with and seriously embarrass the good understanding of both countries in the important commercial relations and interests which have come into being since its ratification, and for the adjustment of which it is wholly inadequate, as has been unhappily proved by the events of the past two years. I am confident we both seek to attain a just and permanent settlement—and there is but one way to procure it—and that is by a straightforward treatment on a liberal and statesmanlike plan of the entire commercial relations of the two countries. I say commercial because I do not propose to include, however indirectly, or by any intendment, however partial or oblique, the political relations of Canada and the United States, nor to effect the legislative independence of either country.

When you were here I prepared to send my reply to the "observations" upon my proposal, for a settlement (of November 15 last), which were communicated to Mr. Phelps by Lord Salisbury on March 24, and also to express my views of his lordship's alternative proposition. Your visit and invitation to negotiate here was entirely welcome, and of this I endeavored to impress you. Conversation with the President has confirmed these views and now it remains to give them practical effect. Great Britain being the only treaty-making party to deal with the United States, the envoys of that Government alone are authorized to speak in her behalf and create her obligations. I presume you will be personally

constituted a plenipotentiary of Great Britain to arrange here with whomsoever may be selected to represent the United States' terms of agreement for a *modus vivendi* to meet present emergencies and also a permanent plan to avoid all future disputes. It appears to me that as matters now stand the colony of Newfoundland ought to be represented and included, for a single arrangement should suffice to regulate all the joint and several interests involved. I should, therefore, be informed speedily through the proper channel as to the authorization and appointment by the Imperial Government of such representatives.

The gravity of the present condition of affairs between our two countries demands entire frankness. I feel we stand at "the parting of the ways" In one direction I can see a well assured, steady, healthful relationship, devoid of petty jealousies, and filled with the fruits of a prosperity arising out of a friendship cemented by mutual interests, and enduring because based upon justice; on the other a career of embittered rivalry, staining our long frontier with the hues of hostility, in which victory means the destruction of an adjacent prosperity without gain to the prevalent party—a mutual, physical and moral deterioration which ought to be abhorrent to patriots on both sides, and which I am sure, no two men will exert themselves more to prevent than the parties to this unofficial correspondence.

As an intelligent observer of the current of popular sentiment in the United States, you cannot have failed to note that the disputed interpretation of the Treaty of 1818, and the action of the Canadian officials towards American fishing vessels during the past season has awakened a great deal of feeling. It behooves those who are charged with the safe conduct of the honor and interests of the respective countries by every means in their power sedulously to remove all causes of difference. The roundabout manner in which the correspondence on the fisheries has been necessarily (perhaps) conducted, has brought us into the new fishing season, and the period of possible friction is at hand, and this admonishes us that prompt action is needed.

I am prepared, therefore, to meet the authorized agents of Great Britain at this capital at the earliest possible day, and enter upon negotiations for a settlement of all differences. The magnitude of the interests involved and the far-reaching and disastrous consequences of any irritating and unfriendly action will, I trust, present themselves to those in whose jurisdiction the fisheries lie, and cause a wise abstention from vexatious enforcement of disputed powers. Awaiting your reply, I am, very truly yours,

T. F. BAYARD.

SIR CHARLES TUPPER, & Co.,  
Ottawa, Canada.

On the 6th June, 1887, Sir Charles Tupper replied "personal and unofficial" to the Hon. Mr. Bayard as follows:—

OTTAWA, June 6, 1887.

MY DEAR MR. BAYARD,—I had great pleasure in receiving your letter of May 31, evincing as it does the importance which you attach to an amicable adjustment of the fisheries question and the maintenance of the cordial commercial relations between the United States and Canada, under which such vast and mutually beneficial results have grown up. I entirely concur in your statement that we both seek to attain a just and permanent settlement—and that there is but one way to procure it—and that is by a straightforward treatment on a liberal and statesman-like plan of the entire commercial relations of the two countries. I note particularly your suggestions that as the interests of Canada are so immediately concerned, Her Majesty's Government should be invited to depute a Canadian statesman to negotiate with you a "*modus vivendi* to meet present emergencies and also a permanent plan to avoid all disputes," and I feel no doubt that a negotiation

thus undertaken would greatly increase the prospects of a satisfactory solution. I say this, not because I believe that there has been any disposition on the part of the British Government to postpone Canadian interests to its own, or to retard by needless delay a settlement desired by and advantageous to the people of Canada and of the United States, but because I have no doubt that direct personal communications will save valuable time and render each side better able to comprehend the needs and the position of the other.

I am greatly flattered by your kind personal allusion to myself. The selection of the persons who might be deputed to act as commissioners would, however, as you are aware, rest with Her Majesty's Government. Our experience has been to the effect that the selection has in most cases, as far as it concerned the choice of the representatives of the Dominion, been made with careful regard to public feeling in this country.

I have thought it my duty and also the most effectual manner of giving effect to your suggestion, to make known to Lord Lansdowne the purport of my correspondence with you. He is strongly desirous of facilitating a settlement, and will at once bring the matter before the Secretary of State, with an expression of his hope that no time will be lost in taking steps for establishing, by means of personal communications with your Government, a *modus vivendi* such as you have described, and also for arriving at an understanding in regard to a lasting adjustment of our commercial relations. In the earnest hope that your proposal for the settlement of this vexed question may result at an early day in a solution satisfactory and beneficial to both countries, I remain, yours faithfully,

CHARLES TUPPER.



---

## CORRESPONDENCE

RELATIVE TO THE

# FISHERIES QUESTION

1887-88

PRESENTED TO PARLIAMENT BY COMMAND OF HIS EXCELLENCY  
THE GOVERNOR GENERAL, 11<sup>TH</sup> APRIL, 1888,

IN CONTINUATION OF

CORRESPONDENCE RELATIVE TO THE FISHERIES QUESTION

1885-87.



OTTAWA:  
PRINTED BY BROWN CHAMBERLIN,  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY.  
1888.





## INDEX TO CONTENTS.

Index No.	From and To	Official Number and Date of Despatch.	Subject.	Page.
		1886.		
1	Governor General's Secret'ry to Hon. G. E. Foster.	April 10.....	Forwarding Fishery papers for presentation to Parliament.	1
		1887.		
2	Secretary of State to Lord Lansdowne.	Telegram, April 26.....	Respecting statement of U.S. Consul at Halifax as to American fishing boat being refused permission to replace salt lost in storm.	1
3	Lord Lansdowne to Secretary of State.	Telegram, April 27.....	Reply to above.....	1
4	Sir H. Holland to Lord Lansdowne.	No. 91, April 27.....	Enclosing copy of telegram left with the Marquis of Salisbury re refusal of authorities at Halifax to permit U.S. fishing vessels to purchase salt.	1
5	Sir H. Holland to Lord Lansdowne.	No. 92, April 27 .....	Acknowledging receipt of despatch of 9th March, as to manner in which Canadian Fisheries Police had acted in enforcing against U.S. fishing vessels the provisions of Convention of 1818.	2
6	Sir H. Holland to Lord Lansdowne.	No. 94, April 27 .....	Expresses satisfaction with arrangement that Sub-Collector of Customs will be stationed at the mouth of Shelburne, N.S. Harbor.	3
7	Sir H. Holland to Lord Lansdowne.	April 28.....	Transmitting further published fishery correspondence.	3
8	Sir H. Holland to Lord Lansdowne.	No. 97, April 30.....	Enclosing copy of a letter from Foreign Office, Treaty No. 51, forwarding dispatch from Her Majesty's Minister at Washington regarding report that Cruiser "Vigilant" had fired a blank shot at a U.S. fishing vessel within three mile limit.	53
9	Sir H. Holland to Lord Lansdowne.	No. 98, April 30.....	Enclosing copy of a letter from Foreign Office, with dispatch from Her Majesty's Minister at Washington, Treaty No. 53, forwarding printed letter addressed to the President by the "American Fisheries Union."	54
10	Sir H. Holland to Lord Lansdowne.	No. 120, May 16.....	Enclosing copy of a letter, received through the Foreign Office, from Mr. O. W. Hall, remarking on the North American Fisheries Question.	56
11	Lord Lansdowne to Sir H. Holland.	No. 166, May 20.....	With copy of Minute of Council re alleged ill-treatment of United States' fishing vessels "Laura Bayward" and "Jennie Seaverns," and with special reference to the affidavit of Capt. Medeo Rose.	57

Index No.	From and To	Official Number and Date of Despatch.	Subject.	Page.
		1887.		
12	Mr. Bayard to Sir Charles Tupper.	May 31 .....	Respecting awkwardness of inability to have formal treaty relations with Canada, except indirectly, as a Colonial Dependency of the British Crown, &c.	59
13	Lord Lansdowne to Sir H. Holland.	No. 223, June 14.....	With copy of Minute of Council regarding report that Canadian cruiser "Vigilant" had fired a blank shot at a United States fishing vessel within the three-mile limit.	61
14	Lord Lansdowne to Sir H. Holland.	No. 224, June 14.....	Transmitting copy of Minute of Council and copies of telegrams received and sent on the subject of alleged refusal of authorities at Halifax to allow United States fishing vessels (driven into that port to repair damages) to replace salt lost in a storm.	63
15	Sir H. Holland to Lord Lansdowne.	No. 285, Aug. 6.....	Enclosing copy of a despatch received through the Foreign Office from Her Majesty's Minister at Washington, Treaty No. 68, relating to the case of the United States fishing schooner "Laura Sayward."	64
16	Lord Lansdowne to Sir H. Holland.	No. 316, Aug. 8... ..	Forwarding copy of a report received by the Department of Fisheries upon the recent seizure, off East Point, P.E.I., of boats and nets belonging to the United States fishing schooners "Argonaut" and "Col. J. H. French," and with reference to the detention of the United States fishing schooner "Annie S. Hodgson," at Shelburne, for an infraction of the Customs regulations.	66
17	Mr. Phelps to Marquis of Salisbury.	August 2.....	Transmitting Communications from the Secretary of State for the United States, containing observations in reply to those of His Lordship on the proposal for an <i>ad interim</i> arrangement, in respect of the Canadian Fisheries.	67
18	Lord Lansdowne to Sir H. Holland.	No. 376, Sept. 21.....	Requesting to be furnished with copies of any Regulations governing the action of foreign fishermen while in the waters or harbors of Great Britain.	75
19	Lord Lansdowne to Sir H. Holland.	No. 416, Oct. 28.....	With reference to unanswered despatch of 9th Sept., 1886, re action of officer commanding the Canadian cruiser "Conrod" in forbidding United States schooner "Golden Hind" to enter the Bay Chaleurs.	76
20	Sir H. Holland to Lord Lansdowne.	No. 410, Dec. 6.....	Enclosing copy of a despatch from Her Majesty's Minister at Washington, Treaty No. 117, relating to the case of the United States fishing schooner "Laura Sayward."	78

Index No.	From and To	Official Number and Date of Despatch.	Subject.	Page.
		1887.		
21	Sir H. Holland to Lord Lansdowne.	No. 414, Dec. 12.....	Forwarding copy of a letter from the Foreign Office with its enclosures No. 278, respecting the case of the "Golden Hind."	83
		1888.		
22	Sir H. Holland to Lord Lansdowne.	No. 20, Jan. 19.. ....	Transmitting copy of a despatch from Her Majesty's Minister at Washington No. 356, respecting the case of the "Golden Hind."	84
23	Sir H. Holland to Lord Lansdowne.	No. 43, Feb. 3.....	Forwarding copies of Regulations affecting foreign fishermen in the waters of Great Britain.	85
24	Colonial Office to Lord Lansdowne.	March 8 .....	Forwarding copies of appointment of Plenipotentiaries. Full powers, and Treaty signed at Washington on 15th February, 1888.	125
25	Lord Knutsford to Lord Lansdowne.	Telegram, March 12.....	Requesting to be furnished with any amended fishery instructions issued in consequence of recent Treaty and <i>modus vivendi</i> .	134
26	Lord Lansdowne to Lord Knutsford.	Telegram, March 13.. ....	Stating, pending ratification of Treaty by Canadian Parliament, no new instructions will be given.	134
27	Lord Knutsford to Lord Lansdowne.	No. 82, March 14.....	Transmitting Minute of Council concurring in discontinuance of proceedings against United States vessels "David J. Adams" and "Ella M. Doughty."	134
28	Lord Lansdowne to Lord Knutsford.	No. 83, March 21.....	Transmitting copy of Treaty signed at Washington 15th February, 1888.	135



# Subject Index to Correspondence relating to the Fisheries Question, 1887-1888.

- "Adams, David J.," Sch. Mr. Phelps gives grounds for asking report, 4. Sir J. Pauncesfote transmits above, 6. Mr. Bramston alludes to request, 6, 7. Lord Iddeleigh thinks not entitled to, 9. Mr. Meade transmits telegram, 11. Governor General shares Lord Iddeleigh's views, 12, 13. Report of Minister of Justice communicated to United States' Government, 14. Minister's report to discontinue proceedings if no claim for damages, 134, 135.
- "Adams, Mellie," Sch. Sir J. Pauncesfote forwards protest, 7. Mr. Meade transmits despatch, 11. Mr. Stanhope to Lord Lansdowne, 12.
- Ad Interim Arrangement.* Mr. Phelps transmits, &c., 4, 5. Lord Iddeleigh transmits, 6. Mr. Meade transmits telegram *re*, 15. Report asked for, 15. Mr. Phelps' note, 16, 17, 18, 19. Transmits views of Canadian Government, 36. Telegram from Marquis of Salisbury, 44. *Re* joint action of National Vessels, 49. Text of, Observations on, and reply to Observations—with appendices, 66 to 75.
- Act, Fishing by Foreign Vessels. Lord Iddeleigh transmits order assenting to amendment, 6.
- "Argonaut," Sch. Captain McLaren's report *re* seizure of boats, &c., 66.
- Affidavits. Captain Medeo Rose's case, 78 to 83.
- Bayard, T. F., U.S. Secretary of State. Protests refusal to permit vessels to replace salt lost in storm, 2. Protests against Captain Quigley's action *re* "Marion Grimes," 10. With revised list of United States' vessels seized, detained and warned off during 1886, 38, 39, 40, 41. Note to Sir C. Tupper on question generally, 59, 60, 61. *Re* Medeo Rose's affidavits, 65, 66, 79.
- Complaints against treatment by Canadians. "Extreme and unfriendly construction" (Mr. Bayard), 2. "a ruffian, a coward and a bully" (Mr. Ingalls), 21.
- Conference at Washington. Lord Salisbury's instructions to Plenipotentiaries, 125, 126. Full powers, 127. Text of treaty, 128 to 131. Protocol, *modus vivendi*, 131. Concurrence by United States' Plenipotentiaries, 132. Mr. Chamberlain's letter to the Marquis of Salisbury, 132, 133. Transmits documents, 135.
- Convention of 1818. Mr. Phelps' note, 16, 17, 18, 19. Memo. on, 75.
- "Crittenden, A. R.," Sch. Mr. Meade transmits correspondence, 12. Lord Iddeleigh sends report, 13. Sir L. West acknowledges and forwards, 19.
- Damages Claimed. Sir L. West refers to United States' Secretary of State's recommendation of a commission to enquire into losses, 10. Also to Bill for above, 12. If no damages claimed, will discontinue proceedings in cases of "David J. Adams" and "Ella M. Doughty," 134, 135.
- "Doughty, Ella M." Sch. Will discontinue proceedings, if no damages claimed, 134, 135.
- Endeavors to facilitate operations of U.S. vessels. Sir H. Holland suggests forbearance, 2, 3, and expresses satisfaction that Customs Officer is stationed at Sand Point, Shelburne, 3.
- Fishery Acts of Great Britain, and Regulations affecting Foreign Fishermen. Canadian Government asks for, 76. Sent by Board of Trade, 85. Text of, 86 to 92. International Convention, 92 to 97. Enactments repealed, 98. Act to provide for Convention with France, 99 to 110. Convention with France, 110 to 117. Declaration annexed to Convention, 117 to 119. Second Schedule, 120 to 124.

- Flag case, Sch. "Marion Lord Iddesleigh to Mr. Phelps, 8. Sir J. Pauncefote transmits Mr. Grimes," Phelps' note, 9. Mr. Bayard protests, 10.
- "French, Col. J. H., Sch. Captain McLaren's Report, *re* Seizure of Boats, &c., 66.
- Full Powers to Plenipotentiaries. 127.
- "Golden Hind," Sch. Minister's report, 77. Captain Smeltzer's report, 78. Transmits despatches, case overlooked, 83, 84, 85.
- "Grimes, Marion," Sch. Lord Iddesleigh to Mr. Phelps, 8. Sir J. Pauncefote transmits Mr. Phelps' note, 9. Sir L. West transmits correspondence to Secretary of State, 9. Mr. Bayard protests, 10.
- Gun firing. "Vigilant" fired blank shot, 53. Minister's report, 62. Captain McLean's report, 62, 63.
- Hall, Charles W. Letter to Lord Salisbury on Fisheries Question, 57.
- Headland question. Mentioned in memo. to settle rights of United States' fishermen, 76.
- Herring export. Minister at Washington wants information, 13.
- "Highland Light," Sch. Condemnation reported, 11.
- "Hodgson, Annie W., Sch. Detention of, 66. Captain Knowlton's report, 67.
- Instructions to Officers. Sir H. T. Holland suggests forbearance and discrimination, 2, 3. Secretary of State wants any amended instructions, 134. None until ratification of treaty, 134.
- Instructions to Plenipotentiaries. By Lord Salisbury, 125-126.
- "Julia & Ellen," Sch. Lord Iddesleigh to Mr. Phelps, 8. Sir L. West transmits correspondence to Secretary of State, 9.
- Licenses. Mr. Bramston refers to issue during 1870, 7.
- Lord Clarendon. His proposal for settlement in 1866, 36, 37.
- Mackerel Act. *Re* importing and landing during spawning season, 53.
- Manning, Daniel. Non-Intercourse Bill, 42, 43.
- "Mascotte," Schooner. Sir L. West transmits correspondence to Secretary of State, 9.
- Minister of Fisheries. Report "Laura Sayward" and "Jennie Seaverns," 58. Report "Vigilant" firing blank shot, 62. Report refusal to allow vessels to replace salt lost in storm, 63, 64. Will discontinue proceedings, "D. J. Adams," and "Ella M. Doughty," if no claims for damages, 134, 135.
- Minister of Justice. Report on "D. J. Adams" case communicated to United States' Government, 14, 35. Recommends discontinuance proceedings in cases of "Adams" and "Doughty," if no damages claimed, 134, 135.
- Modus Vivendi*. Referred to by Mr. Bayard and Sir C. Tupper, 59, 60, 61. Text of, 131. Concurrence of United States' Plenipotentiaries, 132. Mr. Chamberlain's letter, 132, 133. Transmits documents, 135.
- Morgan, Senator. Speech on Retaliatory Bills, 50, 51.

- "Nelson Pearl," Sch. Mr. Bramston forwards correspondence, 8. Lord Idedesleigh transmits report, 11. Sir R. Herbert sends correspondence, 14. Sir L. West acknowledges receipt, 15. Transmits report, 35, 44. Further despatches, 52.
- Newspaper Extracts. New York *World*, Non-Intercourse Bill, 42, 43. *Nation*, Retaliatory Bills, 44. *Washington Republic*, Retaliatory Bill, 55. *Washington Post*, "The Gloucester Combine," 56.
- Phelps, U.S. Minister. Note on question generally, 16, 17, 18, 19.
- "Prior, Sarah H.," Sch. Asking for report, 38, 43.
- Proposal for Settlement. By Lord Clarendon, in 1866, 36, 37.
- President Cleveland's Letter to American Fishery Union, 55.
- "Rattler," Sch. Sir L. West transmits correspondence to Secretary of State, 9.
- Retaliatory Bills. Sir L. West refers to, 20. House of Representatives declines to accept Senate Bill, 50. Senate Bill passed, 51. Sir J. Pauncefote transmits, 51.
- Rose, Captain Medeo. Affidavits, 78 to 83.
- "Sayward, Laura," Sch. Canadian Government asked for report, 5. Mr. Bayard informed of fact, 13. Minister's report, 58. Affidavits in Medeo Rose case, 78 to 83.
- "Seaverns, Jennie," Sch. Canadian Government asked for report, 5. Mr. Bayard informed of fact, 13. Minister's report, 58. Transmits report, 64, 65.
- "Shiloh," Sch. Lord Idedesleigh to Mr. Phelps, 8. Sir L. S. West transmits correspondence to Secretary of State, 9.
- "Steele, Everett," Sch. Mr. Bramston forwards correspondence, 8. Lord Idedesleigh to Mr Phelps, 8. Lord Idedesleigh transmits report, 11. Sir R. Herbert sends correspondence, 14. Sir L. West acknowledges receipt, 15. Transmits report, 35, 44. Further despatch, 52.
- Seizures, Detentions, &c. Mr. Bayard's list of, during 1886, 38, 39, 40, 41.
- Salt Lost in Storm. Consul reports refusal to allow vessels to replace, 1, 2, 64. Minister's report, 63.
- Sand Point, Shelburne. Sir H. Holland expresses satisfaction at Customs officer being placed there, 3.
- Treaty of Washington (1871). Consult law officers whether Article XXIX is still in force, 52.
- Treaty of Washington (1888). Text of, 128 to 131. *Modus vivendi*, 131. Concurrence by United States' Plenipotentiaries, 132. Mr. Chamberlain's letter to Marquis of Salisbury, 132, 133. Transmits documents, 135.
- U.S. Congress. Sir L. West reports Bill to authorize Commission to enquire into losses, 12. Retaliatory Bill, 20, 33. Bill to enquire into losses, 21. Non-Intercourse Bill, 42, 43. *Nation* newspaper, 44. Bill as passed, 45. Debate on Bill, 46, 47. Declines to accept Senate Bill, 50. Senate Bill passed, 51. Sir J. Pauncefote transmits Bills, 51.
- U.S. Consul-General Reports refusal to allow vessels to replace salt lost in storm, 2, 64.
- U.S. Fishermen, Rights of. Lord Idedesleigh to Mr. Phelps, 8, 9. Bill in United States' Senate 22, 25. Memo. re Commission to settle, 75.



## U.S. Senate.

Retaliatory Bill, 20. Debate on Retaliatory Bill, 21. Retaliatory Bill, 22 to 33. Senator Evarts' speech, 34. Revised list of United States' vessels seized, detained or warned off during 1886, furnished by Mr. Bayard, 38, 39, 40, 41. *Nation* newspaper, 44. Non-reciprocity Resolution, 48. Debate thereon, 48, 49. Senator Morgan's speech, 50, 51. Bill passed, 51. Sir J. Pauncefoot transmits Bills, 51.

## U.S. Fishing Vessels.

List of seized, detained and warned off during season of 1886, 38, 39, 40, 41.

x

## INDEX.

## No. 1.

*Governor General's Secretary to Hon. Geo. E. Foster.*GOVERNMENT HOUSE,  
OTTAWA 10th April, 1888.

SIR,—I have the honor, by direction of His Excellency the Governor General, to forward to you herewith a selection of the fishery papers for presentation to Parliament.

I have the honor to be, Sir,  
Your obedient servant,

(Signed) HENRY STREATFEILD, Captain,  
*Governor General's Secretary.*

The Honorable  
G. E. FOSTER,  
&c., &c., &c.,  
Ottawa.

## No. 2.

*Secretary of State to Lord Lansdowne.*

26th April, 1887.

United States' Minister states that United States' Consul at Halifax reports American fishing boat driven to that port, stress of weather, refused permission replace salt lost in storm. Send report statement as soon as possible. Despatch follows.

(Signed) SECRETARY OF STATE.

## No. 3.

*Lord Lansdowne to Secretary of State.*

27th April 1887.

Referring to your telegram of the 26th April, vessel referred to was given every facility for repair of damages, but was refused permission to replace twenty  
No. 2. hogsheads of salt which was required for curing fish and not for safety of vessel or sustenance of crew.

(Signed) LANSDOWNE.

## No. 4.

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 27th April, 1887.

[No. 91.]

MY LORD,—I have the honor to transmit to you for communication to your Government, and for any observations which they may have to offer, a copy of a letter (26th, April 1887) from the Foreign Office, enclosing copy of a telegram left

with the Marquis of Salisbury by the American Minister relative to the alleged refusal of the authorities at Halifax to permit American fishing vessels (driven into that port to repair damages) to replace salt lost in a storm.

No. 2. I addressed you upon this subject in my telegram of the 26th instant.

I have, &c.,

(Signed) H. T. HOLLAND,

[Enclosure No. 1.]

*The Foreign Office to the Colonial Office.*

FOREIGN OFFICE, 26th April, 1887.

SIR,—I am directed by the Marquis of Salisbury to state to you that the American Minister called on the 23rd inst., and read to His Lordship the telegram, of which a copy is herewith enclosed, relative to the alleged refusal of the Canadian authorities at Halifax to supply salt to American fishing vessels driven into that port to repair damages.

Enclosure No. 2.

His Lordship in reply promised that enquiries should be made; and I am to request that you will move Sir Henry Holland to telegraph to the Canadian Government for an immediate report upon the statement contained in this telegram.

I am, &c.,

(Signed) J. PAUNCEFOTE.

THE UNDER SECRETARY OF STATE.  
Colonial Office.

[Enclosure No. 2.]

*Copy of telegram from Mr. Bayard to Mr. Phelps, April 23rd, 1887.*

The United States' Consul General at Halifax reports refusal of the Canadian authorities to permit American fishing vessels, driven into that port to repair damages sustained by storm on the Grand Banks, to replace salt lost in a storm, although other repairs have been allowed. Such extreme and unfriendly construction of an express right under the Treaty of 1818 is most unfortunate at the present juncture, pending negotiations, and must lead to serious consequences unless the Government of Great Britain interfere to maintain Treaty and ordinary hospitality.

(Signed) BAYARD.

No. 5.

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 27th April, 1887.

[No. 92.]

MY LORD,—I have the honour to acknowledge the receipt of your despatch No. 67, of the 9th of March, respecting the manner in which the Canadian Fishery Police have acted in enforcing against American fishing vessels the provisions of the convention of 1818, and the Acts of Parliament passed for the purpose of giving effect to that treaty, and stating that the Dominion Government would be glad to take into favorable consideration any modification of the instructions to the fishery police which Her Majesty's Government might wish to suggest.

*Vide correspondence  
1885-'87, page 228.*

In reply I have to acquaint you that Her Majesty's Government gladly recognize the readiness of your Ministers to consider favorably any suggestions which they might make, and they trust that great forbearance and discrimination will be exercised by the fishery police, in carrying out the instructions, so as to afford no just ground of complaint to the Government of the United States.

I have, &c.,

(Signed) H. T. HOLLAND.

Governor General,  
The Most Honorable  
THE MARQUIS OF LANSDOWNE,  
&c., &c., &c.

No. 6.

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 27th April, 1887.

[No. 94.]

MY LORD,—I have the honor to acknowledge the receipt of your despatch No. 74, of the 11th of March, reporting that a sub-collector of Customs would be stationed upon an island or at Sand Point, at the mouth of the Shelburne Harbor, so as to render it unnecessary for vessels entering that harbor to report themselves to the collector who is stationed in the Port of Shelburne, which is several miles distant from the outer harbor.

Her Majesty's Government have learned with satisfaction of this contemplated action of your Government.

I have, &c.,

(Signed) H. T. HOLLAND.

Governor General,  
The Most Honorable  
THE MARQUIS OF LANSDOWNE,  
&c., &c., &c.

No. 7.

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 28th April, 1887.

SIR,—I am directed by the Secretary of State for the Colonies to inform you that the undermentioned Parliamentary papers have been sent to you by book post.\*

Title of Paper.	Number of Copies.
C. 4995. North American Fisheries. Further correspondence.	12

I have, &c.,

(Signed) ROBERT G. W. HERBERT.

The Officer Administering  
The Government of Canada.

\* Several of the enclosures referred to in covering despatch No. 7, having already been printed in Fisheries Correspondence of 1885-87, it is not considered necessary to re-print them, but marginal notes are inserted indicating where they can be found.

[Enclosure No. 1.]

*Mr. Phelps to the Earl of Iddesleigh.—(Received December 4.)*

LEGATION OF THE UNITED STATES, LONDON, December 2, 1886.

MY LORD,—Referring to the conversation I had the honor to hold with your Lordship on the 30th November, relative to the request of my Government that the owners of the "David J. Adams" may be furnished with a copy of the original Reports, stating the charges on which that vessel was seized by the Canadian authorities, I desire now to place before you in writing, the grounds upon which this request is preferred.

It will be in the recollection of your Lordship, from the previous correspondence relative to the case of the "Adams," that the vessel was first taken possession of for the alleged offence of having purchased a small quantity of bait within the port of Digby, in Nova Scotia, to be used in lawful fishing. That later on, a further charge was made against the vessel, of a violation of some Custom-house regulation, which it is not claimed, so far as I can learn, was ever before insisted on in a similar case. I think I have made it clear in my note of the 2nd June last, addressed to Lord Rosebery, then Foreign Secretary, that no act of the English or of the Canadian Parliament existed at the time of this seizure, which legally justified it on the ground of the purchase of bait, even if such an act would have been authorized by the Treaty of 1818. And it is a natural and strong inference, as I have in that communication pointed out, that the charge of violation of Custom-house Regulations was an afterthought, brought forward in order to sustain proceedings commenced on a different charge and found untenable.

In the suit that is now going on in the Admiralty Court at Halifax for the purpose of condemning the vessel, still further charges have been added. And the Government of Canada seek to avail themselves of a clause in the Act of the Canadian Parliament of the 22nd May, 1868, which is in these words: "In case a dispute arises as to whether any seizure has or has not been legally made, or as to whether the person seizing was or was not authorized to seize under this Act. . . . the burden of proving the illegality of the seizure shall be on the owner or claimant."

I cannot quote this provision without saying that it is, in my judgment, in violation of the principles of natural justice, as well as those of the common law. That a man should be charged by police or Executive officers with the commission of an offence, and then be condemned upon trial, unless he can prove himself to be innocent, is a proposition that is incompatible with the fundamental ideas upon which the administration of justice proceeds. But it is sought in the present case to carry the proposition much further, and to hold that the party inculpated must not only prove himself innocent of the offence on which his vessel was seized, but also of all other charges upon which it might have been seized, that may be afterwards brought forward and set up at the trial.

Conceiving that if the clause I have quoted from the Act of 1868 can have effect (if allowed any effect at all) only upon the charge on which the vessel was originally seized, and that seizure for one offence cannot be regarded as *prima facie* evidence of guilt of another, the counsel for the owners of the vessel have applied to the prosecuting officers to be furnished with a copy of the Reports made to the Government of Canada in connection with the seizure of the vessel, either by Captain Scott, the seizing officer, or by the Collector of Customs at Digby, in order that it might be known to the defendant, and be shown on trial, what the charges are on which the seizure was grounded, and which the defendant is required to disprove. This most reasonable request has been refused by the prosecuting officers.

Under these circumstances I am instructed by my Government to request of Her Majesty's Government that the solicitors for the owners of the "David J. Adams," in the suit pending in Halifax, may be furnished, for the purposes of the trial thereof, with copies of the Reports above mentioned. And I beg to remind your Lordship that there is no time to be lost in giving the proper direction, if it is to be in season for the trial, which, as I am informed, is being pressed.

I have, &amp;c.

(Signed) E. J. PHELPS.

[Enclosure No. 2.]

*Mr. Phelps to the Earl of Iddesleigh.—(Received December 4.)*

LEGATION OF THE UNITED STATES, LONDON, December 3, 1886.

MY LORD,—I have the honor to acknowledge the receipt of your note of the 30th November, on the subject of the Canadian fisheries, and to say that I shall at an early day submit to your Lordship some considerations in reply.

Meanwhile, I have the honor to transmit, in pursuance of the desire expressed by your Lordship in conversation on the 30th November, a copy of an outline for a proposed *ad interim* arrangement between the two Governments on this subject, which has been prepared by the Secretary of State of the United States.

And I likewise transmit, in connection with it, a copy of the instruction from the Secretary of State which accompanied it, and which I am authorized to submit to your Lordship.

I have, &c.,

(Signed)

E. J. PHELPS.

[Enclosure No. 3.]

*The Earl of Iddesleigh to Sir L. West.*

FOREIGN OFFICE, December 8, 1886.

SIR,—I have to acknowledge the receipt of your despatch of the 12th ultimo, and to request you, in reply, to acquaint Mr. Bayard that Her Majesty's Government have desired the Canadian Government to furnish them with a Report on the circumstances attending the alleged inhospitable treatment of the United States' fishing-schooners "Laura Sayward" and "Jennie Seaverns" by the Canadian authorities.

I am, &c.,

(Signed)

IDDESLEIGH.

[Enclosure No. 4.]

*Sir J. Poncefote to Sir R. Herbert.*

FOREIGN OFFICE, December 9, 1886.

SIR,—I am directed by the Earl of Iddesleigh to transmit to you, to be laid before Mr. Secretary Stanhope, copy of a note from the United States' Minister at this Court, enclosing an outline for an *ad interim* arrangement between the two Governments on the subject of the North American fisheries, accompanied by a despatch from Mr. Bayard containing some observations thereon.

I am to suggest that the views of the Governments of Canada and Newfoundland with regard to this proposal should be obtained with the least possible delay, in order that Her Majesty's Government may be able to consider at an early date what reply should be made to Mr. Phelps's communication.

I am, &c.,

(Signed)

JULIAN PAUNCEFOTE.

[Enclosure No. 5.]

*The Earl of Iddesleigh to Mr. Phelps.*

FOREIGN OFFICE, December 10, 1886.

SIR,—I have the honor to acknowledge the receipt of your note of the 3rd instant, enclosing an outline for an *ad interim* arrangement between Great Britain and the United States on the subject of the North American fisheries, accompanied by a despatch from Mr. Bayard containing some observations thereon.

I beg leave to state, in reply, that Her Majesty's Government will not fail to give immediate and careful consideration in this communication, in consultation with the Colonial Governments concerned, and that I hope shortly to be in a position to address a further communication to you on the subject.

I have, &c.

(Signed)

IDDESLEIGH.

[Enclosure No. 6.]

*The Earl of Iddesleigh to Sir L. West.*

FOREIGN OFFICE, December 10, 1886.

Sir,—I transmit herewith, for your information, a copy of a letter from the Colonial Office, enclosing a copy of an Order of Her Majesty in Council assenting to the Reserved Bill of the Legislature of Canada, entitled "An Act further to amend the Act respecting Fishing by Foreign Vessels."

*Vide correspondence 1885-87, page 165.*

I am, &amp;c.

(Signed) IDDESLEIGH.

[Enclosure No. 7.]

*The Earl of Iddesleigh to Sir L. West.*

FOREIGN OFFICE, December 11, 1886.

Sir,—I transmit herewith, for your information, copies of correspondence, as marked in the margin, concerning a proposal made by the United States' Government for an *ad interim* arrangement between the two Governments on the subject of the North American Fisheries question.

*Vide correspondence 1885-87, page 179.*

I am, &amp;c.

(Signed) IDDESLEIGH.

[Enclosure No. 8.]

*Sir J. Pouncefote to Sir R. Herbert.*

FOREIGN OFFICE, December 11, 1886.

Sir,—I am directed by the Earl of Iddesleigh to transmit to you a copy of a note from the United States' Minister at this Court, asking that the solicitors retained for the defence in the case of the "David J. Adams" may be supplied with a full report of the charges made against that vessel; and I am to request that you will suggest to Mr. Secretary Stanhope that inquiry should be made, by telegraph, whether the Canadian Government feel themselves able to comply with this request, and, if not, that they should be requested to state the grounds on which it is refused.

*Vide Enclosure No. 1.*

I am, &amp;c.

(Signed) JULIAN PAUNCEFOTE.

[Enclosure No. 9.]

*Mr. Bromston to Sir J. Pouncefote.—(Received December 15.)*

DOWNING STREET, December 15, 1886.

Sir,—I am directed by Mr. Secretary Stanhope to acknowledge the receipt of your letter of the 11th instant, enclosing a copy of a note from the United States' Minister at this Court, asking that the solicitors for the defence in the case of the "David J. Adams" may be supplied with a full report of the charges made against that vessel.

Before making any representation to the Canadian Government upon this subject, the Secretary of State would point out that Mr. Phelps' request is that the necessary directions may be given for supplying to the solicitors for the owners of the "David J. Adams" copies of certain official reports made in May last by the Canadian officers to their official superiors, and would be glad to learn whether the question has presented itself to Lord Iddesleigh from the point of view from which it strikes Mr. Stanhope, viz., that the United States' Government

are inviting Her Majesty's Government to intervene in the conduct of this litigation, and by the pressure of its Executive to endeavor to induce the Canadian Government to furnish the other litigant with documents which, seemingly under the advice of counsel, it has already refused to give.

Assuming that the facts respecting the charge of violating the Customs law are as alleged by Mr. Phelps, they can probably be elicited at the trial by ordinary methods of examination; while, if elicited, they would not, as it appears to Mr. Stanhope, necessarily save the vessel from the sentence of the Court, whatever grounds they might furnish for the Government not enforcing a forfeiture if pronounced.

I am also to point out that Mr. Phelps does not identify, and apparently has not been supplied with a copy of, the Canadian Act of 1868, upon which he mainly founds his present request. It is, in point of fact, the Statute cap. 61 of that year, providing for the issue of licenses to foreign fishing vessels and for the forfeiture of vessels fishing without a license, a Statute which, so far as relates to the issue of licenses, has, as Lord Iddesleigh is aware, been inoperative since 1870. The section (No. 10) which appears to Mr. Phelps to be in violation of the principles of natural justice is habitually found in laws against smuggling, and in the present case appears to be based upon the common sense rule of law that a man who pleads that he holds a license, or other similar document, shall be put to the proof of his plea, and required to produce the document. The suggestion that the section quoted by Mr. Phelps will be applied to seizures not "under the Act" needs no answer, and may be left to the Court to deal with should occasion arise.

Unless the counsel for the vessel have not been furnished with the Report of the Minister of Marine and Fisheries approved by the Canadian Privy Council on the 14th June, 1886, and transmitted to the Foreign Office from this Department on the 29th June, they will have learned that from a date immediately after the seizure "there was not the slightest difficulty in the United States' Consul General and those interested in the vessel, obtaining the fullest information," and that "apart from the general knowledge of the offences which it was claimed the master had committed, and which was furnished at the time of the seizure, the most technical and precise details were readily obtainable at the Registry of the Court and from the Solicitors for the Crown."

On reference to the Marquis of Lansdowne's despatch of the 11th May, 1886, transmitted to the Foreign Office on the 4th June, it would be seen that before the 11th May the United States' Government must have learnt the nature of the charges brought against the "David J. Adams," and that they included "violation of the Customs Act, 1883." The same information is contained in the Report of the Minister of Marine and Fisheries above cited.

With these passages before him, Mr. Stanhope finds a difficulty in believing that the counsel for the vessel are not fully aware of the charges which they will have to meet, although they have not obtained the particular Report to which Mr. Phelps alludes.

Under these circumstances, Mr. Stanhope is doubtful whether there would be advantage in telegraphing the proposed inquiry to the Canadian Government; but if Lord Iddesleigh, after considering this letter, still thinks it important that the request should be preferred, he would ask to be supplied with the text of the message which Lord Iddesleigh desires should be sent.

I am, &c.,

(Signed) JOHN BRAMSTON.

[Enclosure No. 10.]

*Sir J. Pouncefote to Sir R. Herbert.*

FOREIGN OFFICE, December 15, 1886.

SIR,—With reference to my letter of the 4th October last, I am directed by the Earl of Iddesleigh to transmit to you, to be laid before Mr. Secretary Stanhope, a copy of a despatch from Her Majesty's Minister at Washington enclosing copy of a further note from the United States' Secretary of State, protesting against the action of the Canadian authorities with regard to the United States' fishing-schooner "Mollie Adams."

I am to request that the Dominion Government may be asked to furnish a Report, as soon as possible, upon the allegations now made by the master of the United States' vessel, as well as on the previous note from Mr. Bayard on this subject enclosed in my letter of the 4th October last.

I am, &c.,

(Signed) JULIAN PAUNCEFOTE.



[Enclosure No. 11.]

*Mr. Bramston to Sir J. Pauscefote.—(Received December 16.)*

DOWNING STREET, December 16, 1886.

SIR,—With reference to your letters of the 4th, and to the reply from this Department of the 23rd ultimo, respecting the United States' fishing-vessels "Pearl Nelson" and "Everett Steele," I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, copies of despatches, with their enclosures, from the Governor-General of Canada on the subject.

I am, &amp;c.

(Signed) JOHN BRAMSTON.

[Enclosure No. 12.]

*The Earl of Iddesleigh to Mr. Phelps.*

FOREIGN OFFICE, December 16, 1886.

SIR,—I have the honor to acknowledge the receipt of your note of the 27th ultimo, relative to the case of the "Marion Grimes," stated to have been fined and detained at Shelburne, Nova Scotia, in October last.

As other cases besides that of the "Marion Grimes" are alluded to in the documents forwarded with your note, it will be desirable to take each case separately, and to inform you shortly of the steps which Her Majesty's Government have taken in regard to them.

In respect to the case of the "Marion Grimes," I have already received, through Her Majesty's Secretary of State for the Colonies, a copy of a despatch from the Dominion Government in which they express their regret at the action taken by Captain Quigley in hauling down the United States' flag. I have transmitted a copy of this despatch to Her Majesty's Minister at Washington, with instructions to communicate it to Mr. Bayard, and I beg leave now to enclose a copy of it for your information.

Her Majesty's Government cannot doubt that, as respects the incident of the flag, the apology thus spontaneously tendered by the Canadian Government will be accepted by the United States' Government in the friendly and conciliatory disposition in which it is offered; whilst as regards the other statements concerning Captain Quigley's conduct, Her Majesty's Government do not at present feel themselves in a position to express any opinion.

The Dominion Government have been requested to furnish a full report on the various circumstances alleged, and when this is received I shall have the honor to address a further communication to you upon the subject.

As concerns the cases of the "Julia Ellen" and "Shiloh," it will probably suffice to communicate to you the enclosed copies of reports from the Canadian Government relative to these two vessels. These reports have already been sent to Her Majesty's Minister at Washington for communication to Mr. Bayard.

The protest made by the United States' Government in the case of the "Everett Steele" was not received in this country until the 1st ultimo, and, although the Canadian Government have been requested, by telegraph, to furnish a report upon the circumstances alleged, sufficient time has not yet elapsed to enable Her Majesty's Government to be in possession of the facts as reported by the Dominion authorities.

Her Majesty's Government greatly regret that incidents of the description alluded to should occur; and they can only renew the assurance conveyed to you in my note of the 30th ultimo, that whilst firmly resolved to uphold the undoubted Treaty rights of Her Majesty's North American subjects in regard to the fisheries, they will also maintain the equally undoubted right of United States' fishermen to obtain shelter in Canadian ports under such restrictions as may be necessary to prevent their abusing the privileges reserved to them by Treaty.

I notice that in Mr. Bayard's note to you of the 6th ultimo, concerning the case of the "Marion Grimes," and also in his note to Sir L. West of the 19th of October last, relative to the case of the "Everett Steele," an old discussion is revived which Her Majesty's Government had hoped was finally disposed of by the correspondence which took place on the subject in 1815 and 1816.

I allude to the argument that a right to the common enjoyment of the fisheries by Great Britain and the United States, after the separation of the latter from the mother country, was recognized by the Treaty of 1783, although the exercise of that right was made subject to certain restrictions.

I refer to this point merely to observe that the views of Her Majesty's Government in relation to it have not been modified in any way since the date of Lord Bathurst's note of the 30th October, 1815, to Mr. John Quincey Adams.

I have, &c.

(Signed) IDDESLEIGH.

[Enclosure No. 13.]

*Sir J. Poncefote to Sir R. Herbert.*

FOREIGN OFFICE, December 16, 1886.

SIR,—I am directed by the Earl of Iddeleigh to transmit to you a copy of a note from the United States' Minister at this Court, calling attention to the circumstances attending the detention of the "Marion Grimes" at Shelburne, Nova Scotia, and requesting the withdrawal of Captain Quigley, of the Canadian cruiser "Terror."

I am to request that you will move Mr. Secretary Stanhope to call for a full Report from the Canadian Government upon the circumstances alleged; and I am in the meanwhile to enclose a copy of the reply which Lord Iddeleigh has addressed to Mr. Phelps.

Enclosure No. 12.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

[Enclosure No. 14.]

*Sir P. Currie to Mr. Bramston.*

FOREIGN OFFICE, December 23, 1886.

SIR,—In reply to your letter of the 15th instant, I am directed by the Earl of Iddeleigh to request you to state to Mr. Secretary Stanhope that his Lordship is of opinion that the solicitors of the owners of the "David J. Adams" are not entitled to the documents they seek to procure, as otherwise they could obtain them by the ordinary process of the Courts, and that, under these circumstances, it does not lie with Her Majesty's Government to interfere with the course of justice.

I am, however, to add that his Lordship considers it would be advisable to inform the Canadian Government of the application made by Mr. Phelps, and to inquire whether they concur in a reply being made thereto in the above sense, and whether they have any observations to offer before such a reply is sent.

I am, &c.

(Signed) P. CURRIE.

[Enclosure No. 15.]

*Sir L. West to the Earl of Iddeleigh.—(Received December 24.)*

WASHINGTON, December 10, 1886.

MY LORD.—I have the hon'r to acknowledge the receipt of your Lordship's despatches of the 26th ultimo, which I received on the 7th instant, and to inform your Lordship that I communicated copies of the correspondence therein contained respecting the conduct of the Canadian authorities in the cases of the American vessels "Rattler," "Shiloh," "Julia Ellen," "Mascotte," and "Marion Grimes" to the Secretary of State on the 8th instant.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

---

[Enclosure No. 16.]

*Sir L. West to the Earl of Iddesleigh.—(Received December 24.)*

WASHINGTON, December 10, 1886.

MY LORD,—I have the honor to enclose to your Lordship herewith the correspondence on the Fisheries question which has been laid before Congress, as published in the newspapers. The official print is not yet ready for distribution.

Your Lordship will perceive that in his letter transmitting this correspondence the Secretary of State recommends that a commission should be appointed to take perpetuating proofs of the losses sustained during the past year by American fishermen in consequence of the interference of the Canadian authorities with their legitimate occupations.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

---

[Enclosure No. 17.]

*Sir L. West to the Earl of Iddesleigh.—(Received December 24.)*

WASHINGTON, December 12, 1886.

MY LORD,—With reference to your Lordship's despatch of the 26th ultimo, I have the honor to enclose to your Lordship herewith copy of a note which I have received from the Secretary of State, acknowledging the receipt of the copy of a despatch from the Officer administering the Government of Canada, expressing the regret of the Dominion Government at the action of their authorities in the case of the American vessel "Marion Grimes."

I have, &c.

(Signed) L. S. SACKVILLE WEST.

---

[Annex.]

*Mr. Bayard to Sir L. West.*

DEPARTMENT OF STATE, WASHINGTON, December 11, 1886.

SIR,—I have the honor to acknowledge your note of the 7th instant, with which you communicate, by the direction of the Earl of Iddesleigh, a copy of the Report of a Committee of the Privy Council of Canada, approved the 26th October last, wherein the regret of the Canadian Government is expressed for the action of Captain Quigley, of the Canadian Government cruiser "Terror," in lowering the flag of the United States' fishing-schooner "Marion Grimes," whilst under detention by the Customs authorities in the harbor of Shelburne, on the 11th October last.

Before receiving this communication, I had instructed the United States' Minister at London to make representation of this regrettable occurrence to Her Majesty's Minister for Foreign Affairs; and desire now to express my satisfaction at this voluntary action of the Canadian authorities, which, it seems, was taken in October last, but of which I had no intimation until your note of the 7th instant was received.

I have, &c.,

(Signed) T. F. BAYARD.

---

[Enclosure No. 18.]

*Mr. Bramston to Sir J. Pauscefote.—(Received December 24.)*

DOWNING STREET, December 24, 1886.

SIR,—With reference to previous correspondence respecting the North American Fisheries question, I am directed by Mr. Secretary Stanhope to transmit to you, for the information of the Earl of Iddesleigh, a copy of a despatch from the Governor General of Canada, reporting the condemnation of the United States' fishing-vessel "Highland Light" by the Vice Admiralty Court at Charlottetown, Prince Edward Island.

*Vide correspondence*  
1885-87, p. 168-169.

I am, &amp;c.,

(Signed) JOHN BRAMSTON.

[Enclosure No. 19.]

*The Earl of Iddesleigh to Sir L. West.*

FOREIGN OFFICE, December 24, 1886.

SIR,—With reference to previous correspondence, I transmit to you, for communication to the United States' Government, Reports from the Government of Canada relative to the cases of the United States' fishing-vessels "Pearl Nelson" and "Everett Steele."

*Vide correspondence*  
1885-87, p. 162-165.

I am, &amp;c.,

(Signed) IDDESLEIGH.

[Enclosure No. 20.]

*Mr. Meade to Sir J. Pauscefote.—(Received December 29.)*

DOWNING STREET, December 27, 1886.

SIR,—With reference to your letter of the 23rd instant, and to previous correspondence respecting the case of the "David J. Adams," I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Earl of Iddesleigh, a copy of a telegram which has been sent to the Governor General of Canada on the subject.

*Vide correspondence*  
1885-87, p. 161.

I am, &amp;c.,

(Signed) R. H. MEADE.

[Enclosure No. 21.]

*Mr. Meade to Sir J. Pauscefote.—(Received December 29.)*

DOWNING STREET, December 27, 1886.

SIR,—With reference to your letter of the 15th instant, relating to the case of the United States' fishing-vessel "Mollie Adams," I am directed by Mr. Secretary Stanhope to transmit to you a copy of a despatch which was addressed to the Governor-General of Canada upon the subject upon the following day.

*Vide correspondence*  
1885-87, p. 169-172.

I am also to enclose a copy of a further despatch which Mr. Stanhope has addressed to the Governor-General, having reference to the general question of the treatment of United States' fishing-vessels in Canadian ports.

I am, &amp;c.,

(Signed) R. H. MEADE.

[Annex.]

*Mr. Stanhope to the Marquis of Lansdowne.*

DOWNING STREET, December 27, 1886.

MY LORD,—With reference to my despatch of the 16th instant, relating to the case of the United States' fishing-vessel "Mollie Adams," and referring to the general complaints made on the part of the United States' Government on the treatment of American fishing-vessels in Canadian ports, I think it right to observe that, whilst Her Majesty's Government do not assume the correctness of any allegations without first having obtained the explanations of the Dominion Government, they rely confidently upon your Ministers taking every care that Her Majesty's Government are not placed in a position of being obliged to defend any acts of questionable justice or propriety.

I have, &amp;c.

(Signed) E. STANHOPE.

[Enclosure No. 22.]

*Mr. Meade to Sir J. Parncefote.—(Received December 29.)*

DOWNING STREET, December 28, 1886.

SIR,—With reference to your letter of the 6th October, respecting the case of the United States' fishing-vessel "Crittenden," I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a despatch, with its enclosures, from the Governor-General of Canada on the subject.

*Vide correspondence,*  
1885-87, p. 167-168.

I am, &amp;c.

(Signed) R. H. MEADE.

[Enclosure No. 23.]

*Sir L. West to the Earl of Iddesleigh.—(Received December 30.)*

WASHINGTON, December 18, 1886.

MY LORD,—I have the honor to inform your Lordship that a Bill has been introduced into the House of Representatives, and referred to the Committee on Foreign Affairs, which provides that "the President be and is hereby authorized to appoint a Commission to proceed to such places in the United States or elsewhere as may be designated by the Secretary of State, to take testimony, under oath or affirmation, in relation to the losses and injuries inflicted since the 31st December, 1885, by British authorities, Imperial or Colonial, upon citizens of the United States engaged in the fisheries on the north-east coasts of British North America; said Commission to have the same powers as a Commissioner of a Circuit Court."

I have, &amp;c.

(Signed) L. S. SACKVILLE WEST.

[Enclosure No. 24.]

*Mr. Bramston to Sir J. Parncefote.—(Received December 30.)*

DOWNING STREET, December 29, 1886.

SIR,—With reference to the letter from this Department of the 27th instant, relating to the case of the United States' fishing-vessel "David J. Adams," I am directed by Mr. Secretary Stanhope to transmit to you, to be laid before the Earl of Iddesleigh, a copy of a tele-

gram from the Governor-General of Canada, from which it appears that his Ministers concur in the answer proposed to be sent to the United States' Minister in reply to his note of the 2nd December.

Mr. Stanhope would be glad to receive a copy of the communication upon the subject which Lord Iddesleigh may now send to Mr. Phelps.

I am, &c.

(Signed) JOHN BRAMSTON.

[Annex.]

*The Marquis of Lansdowne to Mr. Stanhope.*

(Telegraphic.)

December 27, 1886.

Referring to your telegram of the 24th December, my Government concur in answer suggested.

(Signed) LANSDOWNE.

[Enclosure No. 25.]

*Mr. Meade to Sir J. Pouncefote.—(Received December 31.)*

(Extract.)

DOWNING STREET, December 30, 1886.

I am directed by Mr. Secretary Stanhope to transmit to you, for the information of the Earl of Iddesleigh, a copy of a despatch from the Governor-General of Canada, enclosing a letter addressed by Her Majesty's Minister at Washington to the Officer administering the Government of the Dominion, requesting to be furnished with information in connection with Canadian Laws regulating the sale and exportation of fresh herring from Grand Manan Island, together with Lord Lansdowne's reply.

*Vide correspondence*  
1886-87, pages 134,  
166, 168.

[Enclosure No. 26.]

*The Earl of Iddesleigh to Sir L. West.*

FOREIGN OFFICE, JANUARY 6, 1887.

SIR.—With reference to your despatch of the 24th September last, I transmit to you herewith, for communication to the United States' Government, copy of a despatch from the Governor-General of Canada, enclosing a Report from his Government on the case of the United States' fishing-vessel "Crittenden."

*Vide correspondence*  
1886-87, p. 167, 168.

[Enclosure No. 27.]

*Sir L. West to the Earl of Iddesleigh.—(Received January 7, 1887.)*

WASHINGTON, December 24, 1886.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's despatch of the 8th instant, and to inform your Lordship that I have duly advised Mr. Bayard that Her Majesty's Government have called upon the Canadian Government for a Report on the alleged inhospitable treatment by the Canadian authorities of the American fishing-schooners "Laura Sayward" and "Jennie Seaverns."

I have, &c.

(Signed) L. S. SACKVILLE WEST.

15

[Enclosure No. 28.]

*Sir R. Herbert to Sir J. Poncefote.—(Received January 10.)*

DOWNING STREET, January 8, 1887.

SIR,—With reference to the letter from this Department of the 23rd November last, respecting the alleged proceedings of the Canadian authorities in the case of the United States' fishing-vessels "Pearl Nelson" and "Everitt Steele," I am  
*Vide correspondence* directed by Mr. Secretary Stanhope to transmit to you, to be laid before  
 1885-87, pages 157 the Earl of Iddeleigh, a copy of a despatch which was addressed to the  
 and 176. Governor General of Canada on the 22nd November, together with a  
 copy of the reply which has now been received from Lord Lansdowne.

I am to state that copies of the Governor-General's previous despatches of the 29th November, referred to in the one now sent, were communicated to the Foreign Office in the letter from this Department of the 16th ultimo.

I am, &amp;c.

(Signed)

ROBERT G. W. HERBERT.

[Enclosure No. 29.]

*The Earl of Iddeleigh to Sir L. West.*

FOREIGN OFFICE, January 11, 1887.

SIR,—With reference to my despatch of the 24th ultimo, I transmit to you herewith, for communication to the United States' Government, a copy of a despatch from the Governor-General of Canada relative to the cases of  
*Vide correspondence* the American fishing-vessels "Pearl Nelson" and "Everitt Steele."  
 1885-87, p. 176.

I am, &amp;c.

(Signed)

IDDELEIGH.

[Enclosure No. 30.]

*Sir J. Poncefote to Sir L. West.*

FOREIGN OFFICE, January 13, 1887.

SIR,—With reference to previous correspondence, I transmit to you herewith, for communication to the United States' Government, a copy of a Report by  
*Vide correspondence* the Minister of Justice of the Dominion of Canada upon the seizure of  
 1885-87, p. 144. the American fishing-vessel "David J. Adams."

I am, &amp;c.

(For the Secretary of State)

(Signed)

JULIAN PAUNCEFOTE.

[Enclosure No. 31.]

*Sir J. Poncefote to Mr. Phelps.*

FOREIGN OFFICE, January 14, 1887.

SIR,—With reference to my predecessor's note of the 30th November last, I have the honor to transmit to you a copy of a Report from the Canadian  
*Vide correspondence* Minister of Justice upon the seizure of the American fishing-vessel  
 1885-87, p. 144. "David J. Adams."

I have forwarded a copy of this Report to Her Majesty's Minister at Washington, for communication to the United States' Government.

I have, &c.

(For the Secretary of State),

(Signed) JULIAN PAUNCEFOTE.

[Enclosure No. 32.]

*Sir L. West to the Earl of Iddesleigh.—(Received January 18.)*

WASHINGTON, January 6, 1887.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's despatch of the 24th ultimo, and to inform your Lordship that I have communicated the Reports therein enclosed from the Government of Canada, relative to the cases of the American fishing-vessels "Pearl Nelson" and "Everett Steele," to the United States' Government.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

[Enclosure No. 33.]

*Mr. Meade to Sir J. Pouncefote.—(Received January 18.)*

DOWNING STREET, January 18, 1887.

SIR,—With reference to previous correspondence respecting the United States' proposals *Vide* correspondence for an *ad interim* arrangement on the Fisheries question, I am directed 1885-87, pages 182 by Secretary Sir H. Holland to transmit to you, to be laid before the and 185. Marquis of Salisbury, the decypher of a telegram and a copy of a despatch from the Governor General of Canada on the subject.

I am, &c.,

(Signed) R. H. MEADE.

[Enclosure No. 34.]

*Sir J. Pouncefote to Sir R. Herbert.*

FOREIGN OFFICE, January 22, 1887.

SIR,—I am directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 18th instant, enclosing copies of a despatch and a telegram from the Marquis of Lansdowne on the subject of the *ad interim* arrangement proposed by the United States' Government for the settlement of the North American Fisheries question.

In reply, I am to state that Lord Salisbury would be glad to receive as soon as possible the full report upon this proposal which Lord Lansdowne promises to send after consultation with his advisers; but that, in the meanwhile, his Lordship presumes Sir Henry Holland will not think it desirable that any communication upon the subject should be made to the United States' Government.

I am to suggest that, as the next fishing season will commence in about three months from the present date, it may be desirable to telegraph to Canada, urging the importance of receiving the Report of the Dominion Government with the least possible delay.

I am, &c.,

(Signed) JULIAN PAUNCEFOTE.



[Enclosure No. 35.]

*Mr. Phelps to the Marquis of Salisbury. — (Received January 29.)*

LEGATION OF THE UNITED STATES, LONDON, January 26, 1887.

MY LORD,—Various circumstances have rendered inconvenient an earlier reply to Lord Iddesleigh's note of the 30th November, on the subject of the North American fisheries. And the termination of the fishing season has postponed the more immediate necessity of the discussion. But it seems now very important that before the commencement of another season a distinct understanding should be reached between the United States' Government and that of Her Majesty, relative to the course to be pursued by the Canadian authorities toward American vessels.

It is not without surprise that I have read Lord Iddesleigh's remark in the note above mentioned, referring to the Treaty of 1818, that Her Majesty's Government "have not as yet been informed in what respect the construction placed upon that instrument by the Government of the United States differs from their own." Had his Lordship perused more attentively my note to his predecessor in Office, Lord Rosebery, under date of the 2nd June, 1886, to which reference was made in my note to Lord Iddesleigh of the 11th September, 1886, I think he could not have failed to apprehend distinctly the construction of that Treaty for which the United States' Government contends, and the reasons and arguments upon which it is founded. I have again respectfully to refer your Lordship to my note to Lord Rosebery of the 2nd June, 1886, for a very full, and I hope clear, exposition of the ground taken by the United States' Government on that point. It is unnecessary to repeat it, and I am unable to add to it.

In reply to the observations in my note to Lord Iddesleigh of the 11th September, 1886, on the point whether such discussion should be suspended in these cases until the result of the judicial proceedings in respect to them should be made known, a proposition to which, as I stated in that note, the United States' Government is unable to accede, his Lordship cites in support of it some language of Mr. Fish, when Secretary of State of the United States, addressed to the United States' Consul-General at Montreal, in May, 1870. From the view then expressed by Mr. Fish the United States' Government has neither disposition nor occasion to dissent. But it cannot regard it as in any way applicable to the present case.

It is true, beyond question, that when a private vessel is seized for an alleged infraction of the laws of the country in which the seizure takes place, and the fact of the infraction or the exact legal construction of the local Statute claimed to be transgressed is in dispute, and is in process of determination by the proper Tribunal, the Government to which the vessel belongs will not usually interfere in advance of such determination, and before acquiring the information on which it depends. And especially when it is not yet informed whether the conduct of the officer making the seizure will not be repudiated by the Government under which he acts, so that interference will be unnecessary. This is all, in effect, that was said by Mr. Fish on that occasion. In language immediately following that quoted by Lord Iddesleigh, he remarks as follows (*italics being mine*):—

"The present embarrassment is, that while we have reports of several seizures upon grounds, as stated by the interested parties, which seem to be in contravention of international law and special Treaties relating to the fisheries, these alleged causes of seizure are regarded as pretensions of over-zealous officers of the British navy and the colonial vessels, which will, as we hope and are bound in courtesy to expect, be repudiated by the Courts before which our vessels are to be brought for adjudication."

But in the present case, the facts constituting the alleged infraction by the vessel seized are not in dispute, except some circumstances of alleged aggravation not material to the validity of the seizure. The original ground of the seizure was the purchase by the master of the vessel of a small quantity of bait, from an inhabitant of Nova Scotia, to be used in lawful fishing. This purchase is not denied by the owners of the vessel. And the United States' Government insists, *first*, that such an act is not in violation of the Treaty of 1818; and, *second*, that no then existing Statute in Great Britain or Canada authorized any proceedings against the vessel for such an act, even if it could be regarded as in violation of the terms of the Treaty. And no such Statute has been as yet produced. In respect to the charge subsequently brought against the "Adams," and upon which many other vessels have been seized, that of a technical violation of the Customs Act in omitting to report at the custom house, though having no business at the port (and in some instances where the vessel seized was not within several miles of the landing) the United States' Government claim, while not admitting that the omission to report was even a technical transgression of the act,—that even if it were, no harm having been done or intended, the proceedings against the vessel for an inadvertence of that kind were in a high degree harsh, unreasonable, and unfriendly.

Especially as for many years no such effect has been given to the Act in respect to fishing vessels, and no previous notice of a change in its construction had been promulgated.

It seems apparent, therefore, that the cases in question, as they are to be considered between the two Governments, present no points upon which the decisions of the Courts of Nova Scotia need be awaited or would be material.

Nor is it any longer open to the United States' Government to anticipate that the acts complained of will (as said by Mr. Fish in the despatch above quoted), be repudiated as "the pretensions of over-zealous officers of the . . . colonial vessels." Because they have been so many times repeated as to constitute a regular system of procedure, have been directed and approved by the Canadian Government, and have been in nowise disapproved or restrained by Her Majesty's Government, though repeatedly and earnestly protested against on the part of the United States.

It is therefore to Her Majesty's Government alone that the United States' Government can look for consideration and redress. It cannot consent to become directly or indirectly a party to the proceedings complained of, nor to await their termination before the questions involved between the two Governments shall be dealt with. Those questions appear to the United States' Government to stand upon higher grounds, and to be determined, in large part at least, upon very different considerations from those upon which the Courts of Nova Scotia must proceed in the pending litigation.

Lord Idlesleigh, in the note above referred to, proceeds to express regret that no reply has yet been received from the United States' Government to the arguments on all the points in controversy contained in the report of the Canadian Minister of Marine and Fisheries, of which Lord Rosebery had sent me a copy.

Inasmuch as Lord Idlesleigh, and his predecessor, Lord Rosebery, have declined altogether, on the part of Her Majesty's Government, to discuss these questions, until the cases in which they arise shall have been judicially decided, and as the very elaborate arguments on the subject previously submitted by the United States' Government remain therefore without reply, it is not easy to perceive why further discussion of it on the part of the United States should be expected. So soon as Her Majesty's Government consent to enter upon the consideration of the points involved, any suggestions it may advance will receive immediate and respectful attention on the part of the United States. Till then, further argument on that side would seem to be neither consistent nor proper.

Still less can the United States' Government consent to be drawn, at any time, into a discussion of the subject with the Colonial Government of Canada. The Treaty in question, and all the international relations arising out of it, exist only between the Governments of the United States and of Great Britain, and between those Governments only can they be dealt with. If in entering upon that consideration of the subject which the United States have insisted upon, the arguments contained in the Report of the Canadian Minister should be advanced by Her Majesty's Government, I do not conceive that they will be found difficult to answer.

Two suggestions contained in that Report are however specially noticed by Lord Idlesleigh, as being "in reply" to the arguments contained in my note. In quoting the substance of the contention of the Canadian Minister on the particular points referred to, I do not understand his Lordship to depart from the conclusion of Her Majesty's Government he had previously announced, declining to enter upon the discussion of the cases in which the questions arise. He presents the observations of the Report only as those of the Canadian Minister, made in the argument of points upon which Her Majesty's Government decline at present to enter. I do not therefore feel called upon to make any answer to these suggestions. And more especially, as it seems obvious that the subject cannot usefully be discussed upon one or two suggestions appertaining to it, and considered by themselves alone. While those mentioned by Lord Idlesleigh have undoubtedly their place in the general argument, it will be seen that they leave quite untouched most of the propositions and reasoning set forth in my note to Lord Rosebery above mentioned. It appears to me that the questions cannot be satisfactorily treated aside from the cases in which they arise. And that when discussed, the whole subject must be gone into in its entirety.

The United States' Government is not able to concur in the favorable view taken by Lord Idlesleigh of the efforts of the Canadian Government "to promote a friendly negotiation." That the conduct of that Government has been directed to obtaining a revision of the existing Treaty is not to be doubted. But its efforts have been of such a character as to preclude the prospect of a successful negotiation so long as they continue, and seriously to endanger the friendly relations between the United States and Great Britain.

Aside from the question as to the right of American vessels to purchase bait in Canadian ports, such a construction has been given to the Treaty between the United States and Great Britain as amounts virtually to a declaration of almost complete non-intercourse with American vessels. The usual comity between friendly nations has been refused in their

case, and in one instance, at least, the ordinary offices of humanity. The Treaty of Friendship and Amity which, in return for very important concessions by the United States to Great Britain, reserved to the American vessels certain specified privileges, has been construed to exclude them from all other intercourse common to civilized life, and to universal maritime usage among nations not at war, as well as from the right to touch and trade accorded to all other vessels.

And quite aside from any question arising upon construction of the Treaty, the provisions of the Custom-house Acts and Regulations have been systematically enforced against American ships for alleged petty and technical violations of legal requirements, in a manner so unreasonable, unfriendly, and unjust, as to render the privileges accorded by the Treaty practically nugatory.

It is not for a moment contended by the United States' Government that American vessels should be exempt from those reasonable port and Custom-house Regulations which are in force in countries which such vessels have occasion to visit. If they choose to violate such requirements, their Government will not attempt to screen them from the just legal consequences.

But what the United States' Government complain of in these cases, is that existing regulations have been construed with a technical strictness, and enforced with a severity, in cases of inadvertent and accidental violation where no harm was done, which is both unusual and unnecessary, whereby the voyages of vessels have been broken up, and heavy penalties incurred. That the liberal and reasonable construction of these laws that had prevailed for many years, and to which the fishermen had become accustomed, was changed without any notice given. And that every opportunity of unnecessary interference with American fishing vessels, to the prejudice and destruction of their business, has been availed of. Whether, in any of these cases, a technical violation of some requirement of law had, upon close and severe construction, taken place, it is not easy to determine. But if such rules were generally enforced in such a manner in the ports of the world, no vessel could sail in safety without carrying a solicitor, versed in the intricacies of revenue and port regulations.

It is unnecessary to specify the various cases referred to, as the facts in many of them have been already laid before Her Majesty's Government.

Since the receipt of Lord Iddesleigh's note, the United States' Government has learned with grave regret that Her Majesty's assent has been given to the Act of the Parliament of Canada, passed at its late Session, entitled, "An Act further to amend the Act respecting fishing by foreign vessels," which has been the subject of observation in the previous correspondence on the subject, between the Governments of the United States and of Great Britain. By the provisions of this Act, any foreign ship, vessel, or boat (whether engaged in fishing or not) found within any harbour in Canada, or within 3 marine miles of "any of the coasts, bays, or creeks of Canada," may be brought into port by any of the officers or persons mentioned in the Act, her cargo searched, and her master examined upon oath, touching the cargo and voyage, under a heavy penalty if the questions asked are not truly answered; and if such ship has entered such waters "for any purpose" not permitted by treaty or convention, or by any law of the United Kingdom or of Canada for the time being in force, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited."

It has been pointed out in my note to Lord Iddesleigh above mentioned, that the 3-mile limit referred to in this Act is claimed by the Canadian Government to include considerable portions of the high seas, such as the Bay of Fundy, the Bay of Chaleur, and similar waters, by drawing the line from headland to headland. And that American fishermen have been excluded from these waters accordingly.

It has been seen also, that the term "any purpose not permitted by treaty" is held by that Government to comprehend every possible act of human intercourse, except only the four purposes named in the treaty: shelter, repairs, wood, and water.

Under the provisions of the recent Act therefore, and the Canadian interpretation of the Treaty, any American fishing vessel that may venture into a Canadian harbour, or may have occasion to pass through the very extensive waters thus comprehended, may be seized at the discretion of any one of numerous subordinate officers, carried into port, subjected to search, and the examination of her master upon oath, her voyage broken up, and the vessel and cargo confiscated, if it shall be determined by the local authorities that she has ever even posted or received a letter, or landed a passenger in any port of Her Majesty's dominions in America.

And it is publicly announced in Canada that a larger fleet of cruisers is being prepared by the authorities, and that greater vigilance will be exerted on their part in the next fishing season than in the last.

It is in the Act to which the one above referred to is an amendment that is found the provision to which I drew attention in a note to Lord Iddesleigh of the 2nd December, 1886,

by which it is enacted that in case a dispute arises as to whether any seizure has or has not been legally made, the burden of proving the illegality of the seizure shall be upon the owner or claimant.

In his reply to that note, of the 11th January, 1887, his Lordship intimates that this provision is intended only to impose upon a person claiming a license the burden of proving it. But a reference to the Act shows that such is by no means the restriction of the enactment. It refers in the broadest and clearest terms to any seizure that is made under the provisions of the Act, which covers the whole subject of protection against illegal fishing. And applies not only to the proof of a license to fish, but to all questions of fact whatever necessary to a determination as to the legality of a seizure, or the authority of the person making it.

It is quite unnecessary to point out what grave embarrassments may arise in the relations between the United States and Great Britain, under such administration as is reasonably to be expected of the extraordinary provisions of this Act and its amendment, upon which it is not important at this time further to comment.

It will be for Her Majesty's Government to determine how far its sanction and support will be given to further proceedings such as the United States' Government have now repeatedly complained of, and have just ground to apprehend may be continued by the Canadian authorities.

It was with the earnest desire of obviating the impending difficulty, and of preventing collisions and dispute until such time as a permanent understanding between the two Governments could be reached, that I suggested on the part of the United States, in my note to Lord Iddesleigh of the 11th September, 1886, that an *ad interim* construction of the terms of the Treaty might be agreed on, to be carried out by instructions to be given on both sides, without prejudice to the ultimate claims of either, and terminable at the pleasure of either. In an interview I had the honour to have with his Lordship in which this suggestion was discussed, I derived the impression that he regarded it with favour. An outline of such an arrangement was therefore subsequently prepared by the United States' Government, which, at the request of Lord Iddesleigh, was submitted to him in my note of the 3rd December, 1886.

But I observe with some surprise, that in his note of the 30th November last, his Lordship refers to that proposal made in my note of the 11th September, as a proposition that Her Majesty's Government "should temporarily abandon the exercise of the Treaty rights which they claim and which they conceive to be indisputable."

In view of the very grave questions that exist as to the extent of those rights, in respect to which the views of the United States' Government differ so widely from those insisted upon by Her Majesty's Government, it does not seem to me an unreasonable proposal, that the two Governments, by a temporary and mutual concession without prejudice, should endeavour to reach some middle ground of *ad interim* construction by which existing friendly relations might be preserved until some permanent Treaty arrangements could be made.

The reasons why a revision of the Treaty of 1818 cannot now, in the opinion of the United States' Government, be hopefully undertaken, and which are set forth in my note to Lord Iddesleigh of the 11th September, 1886, have increased in force since that note was written.

I again respectfully commend the proposal above mentioned to the consideration of Her Majesty's Government.

I have, &c.

(Signed)

E. J. PHELPS.

[Enclosure No. 36.]

*Sir L. West to the Marquis of Salisbury.—(Received January 31.)*

WASHINGTON, January 19, 1887.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's despatch of the 6th instant, and to inform your Lordship that, in obedience to the instructions therein contained, I have communicated copy of the despatch to the Governor-General; and of the Report which accompanied it, on the case of the United States' fishing vessel "Crittenden," to the United States' Government.

I have, &c.

(Signed)

L. S. SACKVILLE WEST,

19

[Enclosure No. 37.]

*Sir L. West to the Marquis of Salisbury.—(Received February 7.)*

WASHINGTON, JANUARY 19, 1887.

MY LORD,—I have the honor to enclose to your Lordship copies of a Bill which has been introduced into the House of Representatives for the protection of American fishermen, in consequence of the denial on the part of the Dominion Government of the right to land and transport American fish in bond over Canadian railroads to the United States.

*Vide correspondence 1886-87, page 194.* It is said that American capitalists interested in Canadian railroads are strongly opposed to this Bill.

I have, &amp;c.

(Signed) L. S. SACKVILLE WEST.

[Enclosure No. 38.]

*Sir L. West to the Marquis of Salisbury.—(Received February 3.)*

WASHINGTON, JANUARY 19, 1887.

MY LORD,—With reference to my preceding despatch, I have the honor to enclose to your Lordship herewith, copies of a preamble and Resolution offered in the Senate in the same sense as the Bill introduced into the House of Representatives on the Fisheries question.

I have, &amp;c.

(Signed) L. S. SACKVILLE WEST.

[Annex.]

*Extract from the "Congressional Record" of January 19, 1887.*

## FISHING RIGHTS OF THE UNITED STATES.

Mr. Gorman submitted the following resolution, which was read:—

"Whereas it appears from documents laid before the Senate that the ancient rights of the United States' fishermen, when bound to the north-east deep-sea fisheries, of transit through Canadian waters, with the incidents appertaining thereto, of shelter, repair, and provisioning in the adjacent ports, such rights being founded on international law and on Treaty, have been obstructed by Canadian authorities, such obstruction being attended by indignity and annoyance, and followed by great loss to the parties interested in such fishing vessels; and

"Whereas such transit, with its incidents of temporary shelter, repair and provisioning, is part of a system with the transit with similar incidents permitted to Canadian engines, cars, vessels and goods through the territory and territorial waters of the United States on their way from point to point in Canada, with this distinction, that the transit in the former case is a matter of right, based on international law and Treaty, while in the latter case it is a matter of permission and gratuity:

"Resolved,—That the President of the United States is authorised, whenever it shall appear to him that there is an insistence on the part of the Canadian authorities with the obstructions, indignities and annoyances, above recited, to issue his Proclamation prohibiting the transit through the United States or the territorial waters thereof from point to point in Canada, or from Canada to the ocean, of any engines, cars, goods, or vessels proceeding from Canada."

[Enclosure No. 39.]

*Sir L. West to the Marquis of Salisbury.—(Received January 31.)*

WASHINGTON, January 21, 1887.

MY LORD,—With reference to my despatch of the 18th ultimo, I have the honor to enclose to your Lordship herewith, copies of the Bill, and Report thereon, vide correspondence for the appointment of a Commission to investigate losses and injuries inflicted on United States' citizens engaged in the North American fisheries.

I have, &amp;c.

(Signed) L. S. SACKVILLE WEST.

[Enclosure No. 40.]

*Sir L. West to the Marquis of Salisbury.—(Received February 7.)*

(Extract.)

WASHINGTON, January 25, 1887.

I have the honor to inform your Lordship that the Senate has passed the Bill copies of which were enclosed in my despatch of the 19th instant, by a vote of 46 to 1, after a debate the official Report of which is herewith enclosed, together with a précis by Mr. Spring Rice.

I have, &amp;c.

(Signed) L. S. SACKVILLE WEST.

[Annex.]

*Debate in the Senate on the Bill introduced by Mr. Edmunds to authorise the President to protect and defend the rights of American fishing-vessels in certain cases.—January 24, 1887.*

Mr. Frye suggested that the words "also if he thinks proper," should be omitted from the Bill, on the ground that the retaliatory measures would be the first and not the last resort of the President in the existing circumstances.

Mr. Edmunds consented to the omission.

Mr. Ingalls thought it important that the Committee on Foreign Relations should inform the Senate whether this measure was an invitation to negotiate or practically a declaration of war. A simple measure of retaliation was not, in his opinion, sufficient. He suggested that the President should be empowered to appoint a Commission, in order to reach some basis of understanding between Great Britain, Canada and the United States in regard to the fisheries.

Mr. Frye said that this would be playing into the hands of Canada, whose only object was to secure a Treaty which, as before, would turn out only to her advantage. If the President took advantage of this Bill, Canada would stop her outrages. The British Government had approved the Canadian Statute for enforcing further measures of hostility against American fishermen. The only way of putting a stop to these outrages was to enforce rigorous measures of retaliation, a policy in which, as there was every reason to believe, the Administration sympathized.

Mr. Ingalls said he understood from Mr. Frye's speech that the Committee on Foreign Relations intended by this Bill not to remit the subject to the domain of diplomacy, but to warn Great Britain that its course, if pursued, would result in war.

Mr. Edmunds took exception to this expression. He said that a breach of a Treaty might be the reason for reciprocal retaliatory measures, intended to bring the offending party to a sense of the inconvenience of such conduct, but it did not necessarily follow that every breach of a Treaty should be followed by actual hostilities.

Mr. Ingalls rejoined that if the purpose of the Bill was to apply the *lex talionis* it did not mean anything. The question must be decided by Treaty or by war.

Mr. Edmunds denied the truth of such an alternative. The Canadians had infringed the Treaty. The United States had recourse to retaliatory measures. The question was, Who could stand it best? He thought the United States could stand it best, and that Canada would be brought to reason.

Mr. Ingalls said that England had always been a ruffian, a coward and a bully, that she had no purpose to secure a peaceful solution, but only to embitter the relations of the United States and Canada. He rejoiced in the interpretation of the Bill that it was a declaration to Great Britain that she would persist further at her peril.

Mr. Hoar dwelt on the absence of any explanation or apology for the various acts of violence committed by Great Britain. The Bill meant this, that so far from leading to a diminution of customs duties, such proceedings would entail the exclusion of Canadian fish from the United States' market.

Mr. Morgan said that, so far from this being a warlike measure, it was a measure to prevent war. If the troubles were allowed to go on, there would be war in them. Both countries should arm themselves with all powers of law to prevent a conflict.

Mr. Evarts said that the Bill would remove the question from "the threat of collision" by "taking the subject away from local disturbance, irritation, and resentment," and placing it "under the control of both Governments in a deliberate consideration of what should be done in order to have stability of intercourse between the two great nations."

Mr. Hale strongly supported the Bill as leading to a condition where, if further negotiations were desirable or practicable, the way would be cleared. Until the American Congress should send this note—not of menace, but of warning—to their Canadian neighbors—these things would continue.

Mr. Vest pointed out that war would be the greatest calamity that could befall the two great English-speaking nations of the world. This commercial embargo was half-sister of war. In a maritime war who could answer for the result? It was an aspect of the question better suited to a Secret Session of the Senate. It should be remembered what was the result of the embargo on which Mr. Jefferson relied to prevent war with Great Britain. Still, he would vote for the Bill, as giving the President a discretionary power.

Mr. Gorman objected to the Bill as failing to strike at the only point in which Canada was vulnerable, that was the exclusion of its cars and engines by which its trade passed through United States' territory.

Mr. Riddleberger opposed the Bill because it was "in the nature of a Treaty with Great Britain. He wanted no Treaty."

Mr. Vest's amendment for the appointment of a Commissioner to take testimony in regard to losses and injuries inflicted on American fishermen, was lost. Yeas, 17; nays, 27.

The Bill was then passed.

Yeas, 46; nays, 1 (Riddleberger).

[Enclosure No. 41.]

*Sir L. West to the Marquis of Salisbury—(Received February 7.)*

WASHINGTON, January 26, 1887.

MY LORD,—With reference to my despatch of the 19th instant, I have the honor to transmit to you herewith, copies of the Report of the Committee of the Senate on Foreign Relations relative to the rights and interests of American fisheries and fishermen in British North America, as submitted by Mr. Edmunds on the 24th instant.

I have, &c.,

(Signed)

L. S. SACKVILLE WEST.

[Annex.]

49th Congress, 2nd Session.—Report No. 1683.

IN THE SENATE OF THE UNITED STATES.

January 19, 1887.—Ordered to be printed.

Mr. Edmunds, from the Committee on Foreign Relations, submitted the following:—

*Report.*

[To accompany Bill S. 3173.]

The Committee on Foreign Relations was at the last Session of the Senate instructed to make inquiry into the matter of the rights and interests of the American fisheries and fishermen by Resolution in the following words:—

"Resolved,—That the Committee on Foreign Relations be, and it hereby is, instructed

to inquire into the rights of American fishing-vessels and merchant vessels within the North American possessions of the Queen of Great Britain, and whether any rights of such vessels have been violated, and if so, to what extent; that said Committee report upon the subject, and report whether any and what steps are necessary to be taken by Congress to insure the protection and vindication of the rights of citizens of the United States in the premises; that said Committee have power to send for persons and papers, to employ a stenographer, and to sit during the recess of the Senate, either as a full Committee or by any Sub-Committee thereof, and that any such Sub-Committee shall for the purposes of such investigation be a Committee of the Senate to all intents and purposes.

"Resolved,—That the necessary expenses of said Committee in said investigation be paid out of the appropriation for the miscellaneous items of the contingent fund of the Senate, upon vouchers to be approved by the Chairman thereof."

Pursuant to this authority the Committee has proceeded to make the inquiries directed by the Senate, so far, as it was practicable to do during the vacation, and has taken a considerable amount of testimony which the Committee believes to be of much value and importance to a proper understanding of the difficulties that have arisen between citizens of the United States and the authority of Her Majesty's dominions in North America, and which also, as the Committee thinks, bears upon other questions of public policy that can be readily understood by those reading this testimony.

The questions touching the right of our citizens engaged either in the operations of fishing or commerce in the North American waters contiguous to Her Majesty's dominions depend, of course, not only upon public law, but upon the Conventional arrangements that have hitherto been entered into between the United States and Her Britannic Majesty's Government.

Without going into a general review of the discussions that have in former years taken place concerning these matters, it is, as the Committee thinks, sufficient to now treat these questions as they are affected by the principles of public law, and by the presently existing Treaty between the United States and Great Britain bearing upon the subject.

This Treaty was concluded in the year 1818. To understand its just and true application it is perhaps proper to refer, by way of inducement, to the state of things theretofore existing.

The Treaty of Peace concluded at the end of the Revolutionary war, which acknowledged the independence of the United States, provided in its IIIrd Article that the people of the United States "shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulf of Saint Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, but not to dry or cure the same on that island, and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground."

This Article, it will be observed, recognized an existing right and practice in respect of American fishermen exercising their calling not only at sea on the Banks of Newfoundland, but in all places in the sea, within what would be strictly British waters. And it will be observed also that this Treaty said nothing on the subject of commercial intercourse between the people of the United States and those of the British Provinces.

The next Treaty was that of 1794, by the IIIrd Article of which it was provided as follows:—

"It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of said boundary line (being the land boundary line between the United States and the British Provinces of North America), freely to pass and repass, by land or inland navigation, into the respective countries of the two parties, on the Continent of America (the country within the limits of the Hudson Bay Company only excepted), and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other. But it is understood that this Article does not extend to the admission of vessels of the United States into the sea-ports, harbors, bays, or creeks of His Majesty's said territories; nor into such parts of the rivers in His Majesty's said territories as are between the mouth thereof and the highest port of entry from the sea, except in small vessels trading *bonâ fide* between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect;



nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea."

A later Article in the Treaty of 1794 (Article XII) provided that for a limited period, named in the Treaty, citizens of the United States might engage in carrying trade to any of His Majesty's islands and ports in the West Indies under certain conditions named. A later Article (Article XIII) provided that vessels belonging to citizens of the United States should be admitted into all the sea-ports and harbors of the British territories in the East Indies, &c. A later Article (Article XIV) provided that there should be between the dominions of His Majesty in Europe and the territories of the United States a reciprocal and perfect liberty of commerce and navigation, &c. Another Article (Article XIII) provided for admitting American vessels in distress into all of His Majesty's ports on manifesting its necessity to the satisfaction of the Government of the place.

So far as the present question is concerned the foregoing represents the state of the Treaty arrangements between the United States and Great Britain down to the close of the war of 1812. By the Treaty of 1815, following the Treaty of Peace of 1814, it was provided in Article I that there should be between the territories of the United States and all the territories of His Britannic Majesty in Europe, reciprocal liberty of commerce, &c.

In a later Article of the same Treaty (Article II) it was provided that the intercourse between the United States and His Majesty's possessions in the West Indies and on the Continent of North America should not be affected by any of the provisions of that Article, but that each party should remain in complete possession of its rights with respect of such intercourse.

No other Article of the Treaty touched the question of intercourse between the United States and His Majesty's dominions in North America.

The next Treaty bearing upon the present question was that of 1818, which is now understood to regulate so far as it goes, fishing interests of whatever kind of the citizens of the United States in the territorial waters of the British dominions in North America.

All of this Treaty that bears directly upon the present subject is contained in Article I which is in the following words:—

"Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry and cure fish on certain coasts, bays, harbours and creeks of His Britannic Majesty's dominions in America, it is agreed between the High Contracting Parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; on the western and northern coast of Newfoundland from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company: And that the American fishermen shall also have liberty for ever to dry and cure fish in any of the unsettled bays, harbours and creeks of the southern part of the coast of Newfoundland above described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry or cure fish on or within 3 marine miles of any of the coasts, bays, creeks or harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits: Provided, however, that the American fishermen shall be permitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

This Article sets out with stating the precise subject with which it has to deal, viz., that differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry and cure fish on certain coasts, bays, harbours and creeks of His Britannic Majesty's dominions in America.

Thus it will be seen that the matter to be dealt with was a claim in favour of the inhabitants of the United States to do certain things within the territorial dominion of His Majesty, and not a matter touching the right of the inhabitants of the United States to cruise, fish or do any other thing in waters that by the public law of nations did not belong to the territorial jurisdiction of His Majesty. The matter to be dealt with being, then, simply that affecting American fishermen coming within the territorial dominion of His Majesty, it was provided that Americans might fish on that part of the southern coast of Newfoundland which extends

from Cape Ray to the Rameau Islands; and on the western and northern coast of Newfoundland from said Cape Ray to the Quirpon Islands and on the shores of the Magdalen Islands, and also on the coasts, bays, harbours and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen should have the liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of the southern part of the coast of Newfoundland above described, and of the coast of Labrador, subject to non-interference with settlers, &c.

And by the same Article the United States renounced any liberty "to take, dry or cure fish on or within 3 marine miles of any of the coasts, bays, creeks or harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, and of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying or curing fish therein, or in any manner whatever abusing the privileges hereby reserved to them."

The Committee is of opinion, in view of this history and of the plain language above quoted, that this Article was intended to deal, and did deal, only with the subject of the admission of American fishermen within the territorial jurisdiction of His Britannic Majesty, as defined by the public law of nations.

The first question for consideration, then, is whether the pretention that has been sometimes asserted by the Government of Great Britain, that American fishing vessels or others have no right, except at the pleasure of the British Government, to be in or to prosecute lawful pursuits in the great arms of the sea extending between parts of the mainland belonging to the British, and which are more than 6 marine miles broad, is well founded.

The Committee cannot doubt that any such pretension is ill founded. It is plain that such a pretension is an invasion of the principles of public law now almost universally recognized by all civilized Powers, and one which, it is believed, the British Government would be indisposed to accede to when applied as against its subjects. It would seem to be clear that by the universally recognized public law among civilized nations, territorial jurisdiction of every nation along the sea is limited to 3 marine miles from its coasts, as they may happen to be, whether embracing long lines of open coast or embracing great curvatures of sea-shore, which may, and often do, almost surround vast bodies of the waters of the ocean. The phrase of the Treaty, therefore, speaking of bays, creeks and harbours of His Britannic Majesty's dominions, must be understood as being such bays, creeks and harbours as by the public law of nations were and are within the territorial jurisdiction of the British Government. The Committee is therefore clear in its opinion that any pretension that exclusive British jurisdiction exists, either by force of public law or of this Treaty, within headlands embracing such great bodies of water, and more than 6 marine miles broad, must be quite untenable.

Another question may arise in respect of whether American fishing-vessels or other American vessels may lawfully traverse the Gut of Canso (a narrow strait connecting the waters of the Atlantic on the south-east of Nova Scotia and Cape Breton with the waters of the Gulf of St. Lawrence on the north-west.) This strait is a few miles long, and much less in some of its parts than 6 miles wide. It is naturally navigable for sea-going vessels, and always has been navigated and used for the passage of vessels from the southward into the Gulf of St. Lawrence, and back again southward by vessels finding it convenient so to use it.

The Committee is of opinion that, in the absence of special Treaty arrangements, such straits as the Gut of Canso are free for public and peaceable navigation in the same manner that the seas which they connect are. A comparatively recent and notable instance of the application of this principle is found in the case of the Simonoseki Strait, in Japan, connecting the Korean Channel, to the north west of Japan, with the Pacific Ocean on the south-east. This strait at one of its points is very much less than 3 miles in width; and the passage of mercantile vessels of the United States, Great Britain, France and the Netherlands having been interrupted there by Japanese batteries, &c., Japan was compelled by these four Governments to make reparation, after both British and American vessels of war had forcibly destroyed the Japanese batteries.

Of course, the right of peaceful passage through the Gut of Canso by unarmed vessels is entirely distinct from any right to fish or do any other thing there than merely to pass through. And if, in such an instance, a purely fishing vessel of the United States, having no other character whatever, should wish to pass through that strait from one part of the sea to another, it is presumed that it would hardly be insisted by the British Government that such a passage for such a purpose was prohibited by the 1st Article of the Treaty of 1818, which, as we have before stated, was applicable only to the matter of taking fish, &c., on the spec-

fixed coasts, and to the prohibition of American fishermen, as such, to enter the British bays or harbours for any other purposes than those of shelter, repairing damages, purchasing wood, and obtaining water. The general right of passage for all vessels entitled to sail the seas was not in any way mentioned, and it must be presumed it was not intended by the language used in the Treaty to limit or modify such rights.

On the termination of the Reciprocity Treaty of 1854 the fishermen of the United States were remitted to the 1st Article of the Treaty of 1818, already cited, for the definition and regulation of their rights in the British waters therein mentioned. Between the period of the termination of the Treaty of 1854 (namely, 1866) and the Treaty of 1871 some considerable difficulty and discussion took place concerning the question whether the 3-mile line should be ascertained by drawing the same from headland to headland (as across the Bay of Fundy and the Bay of Chaleur), or whether it should be drawn 3 miles from the actual shores of such bays and headlands. The general result of those discussions would seem to have been an acquiescence by the British Government in the right of American fishermen to fish within those bays and exterior to a line 3 miles from the shores. By the Treaty of 1871 it was agreed that the fishermen of the United States should have the right to fish inshore under certain limitations therein stated. This last Treaty was terminated through the action of the United States on the 1st day of July, 1885, and the 1st Article of the Treaty of 1818 again came into operation.

Concluding, then, from what has been before stated, that there is no serious difficulty in respect of the question where American fishermen can carry on their operations, it would seem to be easy to know precisely what our fishermen may and may not do in the territorial waters adjacent to the British dominions.

What they may do may be stated as follows :—

1. They have the liberty to take fish "on that part of the southern coast of Newfoundland which extends from Cape Ray to the Raméau Islands."
2. They have the right to take fish "on the western and northern coast of Newfoundland from the said Cape Ray to the Quirpon Islands."
3. Also "on the shores of the Magdalen Islands."
4. Also "on the coasts, bays, harbours, and creeks from Mount Joly on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast," subject to any exclusive rights of the Hudson Bay Company.
5. The right "to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland," before described, and of the coast of Labrador, without interfering with the rights of settlers, &c.
6. The right of American fishermen in their character as such to enter the bays and harbours of Great Britain in America for the purpose (a) of shelter, (b) of repairing damages, (c) of purchasing wood, (d) of obtaining water, and for no other purpose whatever.

But they are to be under such restrictions in respect of their entry into bays and harbours where they are not entitled to fish "as may be necessary to prevent their taking and drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

The things that by this Article American fishermen must not do are :—

1. Fish within 3 miles of any of the shores of the British dominions, excepting those specially above named.

2. Enter within this 3 mile limit except for the purposes last stated.

The American fishermen, in their character as such purely, must not enter the prohibited waters other than for the purposes of shelter, repairing damages, purchasing wood, and obtaining water; and in doing this they are subject to such reasonable restrictions as shall be necessary to prevent their fishing or curing fish in prohibited waters or on prohibited shores, and thereby abusing the privilege of entering those waters for the necessary purposes stated.

What, then, are such necessary restrictions?

Following the Treaty of 1818, Great Britain passed the Act of the 14th June, 1819, 59 Geo. III, cap. 38), on the subject of American fishing and other vessels within the waters of the British dominions in North America, which provided—

1. That the British King might make such Orders in Council, either directly or through the Governor of Newfoundland or others, as should be deemed proper and necessary for carrying into effect the purposes of the Fishery Article of that Treaty.

2. A prohibition and punishment of fishing, &c., within the 3-mile limit, other than the coasts in respect of which the Treaty provided that Americans might fish.

3. Forfeiture of vessels, &c., found fishing, &c., within the prohibited limits. This forfeiture was to be enforced in the ordinary course, as in the case of forfeitures under the Revenue Laws.

4. That American fishermen might enter any of the bays and harbours of the British dominions in America for the purposes named in the Treaty, subject to such restrictions for preventing abuse of that privilege as His Majesty, or the Governor, or person exercising the office of Governor in any part of the British dominions in America, might make.

5. That if any person should refuse to depart from such bays, &c., on the requirement of the Governor, &c., or neglect to conform to any of the Regulations so made, he should be punished by a fine of £200.

The next Legislative Act touching American fishermen appears to be the Act of Prince Edward's Island of the 3rd September, 1844, which provided that the officers of Her Majesty's Customs, &c., or any person specially holding a commission for that purpose, should have authority to go on board any ship, vessel, or boat, within any port, bay, creek, or harbor in that island, or "hovering" within 3 marine miles of any of the coasts, bays, &c., thereof; and in either case freely to stay on board such ship, vessel, or boat as long as she shall remain within such port or distance; and if any such ship, vessel, or boat be bound elsewhere, and shall continue so hovering for the space of twenty-four hours after the master shall have been required to depart, it shall be lawful for any of the above enumerated officers, &c., to bring such ship, &c., into port, and to search and examine her cargo, and examine the master upon oath touching the cargo and voyage; and if there be any goods on board prohibited to be imported into this island, such ship, &c., and the cargo laden on board thereof, shall be forfeited; and if said ship, &c., shall be foreign, and not navigated according to the laws of Great Britain and Ireland, and shall have been found fishing, or preparing to fish, or to have been fishing, within such distance of such coasts, bays, creeks, or harbors of this island, such ship, &c., and its cargo shall be forfeited; and if the master or any person in command thereof shall not truly answer the question which shall be demanded of him in such examination, he shall forfeit the sum of £100.

The Act then provides for the methods of investigation, condemnation, &c.

The Revised Statutes of Nova Scotia of 1851, chapter 94 (which may have re-enacted some earlier Act), provided:—

1. That officers of the Colonial Revenue, Sheriffs, Magistrates, or any other person duly commissioned for that purpose, "may go on board any vessel or boat within any harbor in the province, or hovering within 3 marine miles of any of the coasts or harbors thereof, and stay on board so long as she may remain within such place or distance."

2. That "if such vessel or boat be bound elsewhere, and shall continue within such harbor or so hovering for twenty-four hours after the master shall have been required to depart, any one of the officers above-mentioned may bring such vessel or boat into port and search her cargo, and also examine the master upon oath touching the cargo and voyage; and if the master or person in command shall not truly answer the questions demanded of him in the examination he shall forfeit £100; and if there be any prohibited goods on board, then such vessel or boat, with the cargo thereof, shall be forfeited."

3. That "if the vessel or boat shall be foreign, and not navigated according to the laws of Great Britain and Ireland, and shall have been found fishing, or preparing to fish, or to have been fishing, within 3 marine miles of such coasts or harbors, such vessel or boat, or cargo shall be forfeited."

It then provides for the method of procedure, &c. This provision was re-enacted in the Revised Statutes of Nova Scotia by the Provincial Act of the 7th May, 1858. This re-enactment contained in its 22nd section or Title 23, Chapter 94, a provision suspending those parts of it relating to American fishing-vessels during the continuance of the Treaty of Reciprocity of 1854.

The Committee has not been able to discover any Orders in Council made by the British King, as authorized by the Act (59 Geo. III, cap. 58); and so far as we have been able to examine, the regulation of the entrance of American fishermen within the limits wherein they were not entitled to fish has been made by Colonial Statutes such as have been above recited. That of Prince Edward's Island of 1843 (6 Vic., cap. 14) the Committee thinks fairly illustrates the nature of legislative Regulations on the subject down to the Reciprocity Treaty of 1854, and so, in effect, until the expiration of that Treaty in 1866. This Act provided:—

1. Proper officers were authorized to go and remain on board an American fishing vessel during her continuance within the waters where she was not entitled to fish.

2. If the vessel was bound elsewhere, and should continue hovering within the 3 mile limit for twenty-four hours after she had been required to depart, then the officer might take her into port, search her cargo, examine the master, &c.

3. If, on such examination, any goods should be found prohibited to be imported into the Island, there should be a forfeiture.

4. If the vessel should have been found fishing, or preparing to fish, or to have been fishing, in prohibited waters, a forfeiture should follow.

It will be seen that this provision carefully excludes the right to seize and proceed against

an American fishing vessel that had come within British waters, where fishing was not allowed, for the purposes named in the Treaty, and only authorized British officers to require the vessel to depart if, instead of coming into a bay or roadstead and coming to anchor, she was "hovering" on the coast and within the prohibited limits, and provided for her forfeiture when so "hovering" only upon its being discovered, on an examination, that she had contraband goods on board, or had been violating the provisions of the Treaty by abusing the privilege of her entrance and shelter by fishing, &c. And in all these cases the ordinary modes of judicial investigation and fair play were provided for, except—

(a.) That the burden of proof was thrown on the claimant of the vessel in case of dispute as to whether the seizure had been lawful ;

(b.) That no suit should be brought for an illegal seizure until one month after notice in writing had been served on the seizing officer of an intention to sue, and the grounds of action ;

(c.) And, further, that a Statute of Limitations, in respect of all such illegal seizures, of three months only, was provided.

The Committee does not see any just ground of criticism of those parts of this Act that relate to the conduct of American fishing vessels coming within water where fishing was prohibited ; but when it comes to the matter of just and reasonable judicial determination of any question arising, the Committee does think that the methods and limitations of procedure were harsh and unjust, and beyond the right of the British Government to provide, under its authority by the Treaty to make only such restrictions as should be necessary to prevent the abuse by the American fishermen of their right to enter non-fishing waters.

But the foregoing species of legislation has been considerably improved upon, in an unjust direction, by the Dominion Act of the 22nd May, 1868 (31 Vic., cap. 61), which authorized the officials to require any vessel which was not hovering on the coast, but which had come within a harbor, to depart from such harbor on twenty-four hours' notice, and, on failure of such departure, to bring her into port for that mere cause, and without any suspicion or ground of suspicion that she had violated, or intended to violate, either the Treaty or the laws of Canada, and without any limitation as to the length of time she might be detained in port, or any security for just and fair treatment of the American fishing vessel which might have sought shelter in such harbor, or come there for any of the lawful causes named in the Treaty.

It also provided for punishing the master if he failed to answer any question put to him touching the cargo or voyage.

It also provided that the consent of the seizing person should be necessary in order to enable the Judge of the Admiralty Court to release the vessel on proper security.

It also, as in the case of the former Act, put the burden of proving innocence on the claimant.

It also provided that no suit should be brought for any illegal conduct of those officers until after a month's notice in writing, and that the notice should contain the cause of action.

It also provided that "no evidence of any cause of action shall be produced except such as shall be contained in such notice."

It also provided that every such action should be brought within three months after the cause of action had arisen.

It also provided that if, in any such suit, judgment should be given against the seizing person, and there should be a certificate of probable cause, then the plaintiff should only recover  $3\frac{1}{2}$  cents damages and no costs, and that no fine beyond 20 cents should be imposed upon the respondent.

On the 12th May, 1870, the Dominion Act of 33 Vic., cap. 15, was passed, repealing the 3rd section of the last-mentioned Act on the subject of bringing vessels into port, &c., and provided, in lieu thereof, that any of the officers or persons before-mentioned might bring any vessel, being within any harbor in Canada, or hovering in British waters within 3 miles of the coast, into port, search her cargo, examine her master on oath, &c., without any previous notice to depart, which had been required by the former Act. So that an American vessel fishing at sea, being driven by stress of weather, want of wood or water, or need of repairing damages, which should run into a Canadian harbor, under the right reserved to it by the Treaty of 1818, the moment her anchor was dropped or she was within the shelter of a headland, was, at the discretion of the Canadian official, to be immediately seized and carried into port which might be, and often would be, many miles from the place where she would have her safe shelter or could obtain her wood and water or repair her damages.

The Committee thinks it is not too much to say that such a provision is, in view of the Treaty, and of the common principles of comity among nations, grossly in violation of the rights secured by the Treaty and of that friendly conduct of good neighborhood that should exist between civilized nations holding relations such as ought to exist between the United States and Her Majesty's dominions.

This last provision was substantially re enacted, with the Royal approval of the Queen, given on the 26th November, 1886, with the addition that if any such vessel had entered such waters for any purpose not permitted by Treaty or Convention, or by any law of the United Kingdom or Canada for the time being in force, she should be forfeited, &c.

From all this it would seem that it is the deliberate purpose of the British Government to leave it to the individual discretion of each one of the numerous subordinate Magistrates, Fishery Officers, and Customs Officers of the Dominion of Canada to seize and bring into port any American vessels, whether fishing or other, that he finds within any harbor in Canada or hovering within Canadian waters. The Statute does not even except those Canadian waters in which, along a large part of the southern coast and the whole of the western coast of Newfoundland, they are entitled to fish, to say nothing of the vast extent of the continental coast of Canada.

The Committee repeats its expression of the firm opinion that this legislation is in violation of the Treaty of 1818, as it respects American fishing-vessels, and in violation of the principles of comity and good neighborhood that ought to exist in respect of the commercial intercourse, or the coming of the vessels of either, having any commercial character, within the waters of the other. Had it been intended to harass and embarrass American fishing and other vessels, and to make it impracticable for them to enjoy their Treaty and other common rights, such legislation would have been perfectly adapted to that end.

The instances in which this sort of legislation has been applied during the last year, to the great embarrassment and injury of American rights and interests—although in some of them it may doubtless appear that there has been some merely formal or technical violation of some Canadian Customs Statute or Regulation—are the following:—

*Vessels denied the Right or Privilege of purchasing Coal or Ice or of transshipping Fish at Ports of the Dominion, or refused other Rights or Privileges therein.*

- "Novelty" (steamship) denied the right to take in coal, or purchase ice, or tranship fish in bond to the United States, at Pictou, N. S., July, 1886. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 24-25, 49-50 51. This Rep., 3, 15, 105, 106.)
- "Golden Hind," of Gloucester, Mass., was refused the right to take water in Port Daniel, Bay of Chaleur, July 23, 1886. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 43, 47, 192-193. This Rep., 162.)
- "Mollie Adams," of Gloucester, Mass., Solomon Jacobs, master; his water supply having become exhausted by accident, Captain Jacobs put into Port Mulgrave, N. S., on the 31st August 1886, to replenish the same, but was refused the privilege of buying barrels, and was notified that if he did purchase barrels his vessel would be seized. A serious loss was occasioned through this action. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 45-46, 61-63. This Rep., 88, 146.)
- "A. R. Crittenden," of Gloucester, Mass., Joseph E. Graham, master. Stopped at Steep Creek, Strait of Canso, July 21, 1886, homeward bound from the open-sea fishing grounds to obtain a supply of water, which was refused, the Customs officer notifying Captain Graham that if he took in water his vessel would be seized. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 47, 48, 152. This Rep., 153, 196.)
- "Pearl Nelson," of Provincetown, Mass., Murdock Kemp, master. Was seized in the harbor of Arichat, N. S., September 8, 1886, and compelled to pay commercial fees, but was denied privileges which such fees are paid to secure. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 54-61, 193-197. This Rep., 54, 66.)
- "Laura Sayward," of Gloucester, Mass., Medeo Rose, master. Was, on the 6th October, 1886, while in the port of Shelburne, N. S., refused permission to buy provisions, &c., sufficient to last the crew on the homeward trip of the vessel; the vessel's papers were retained by the Collector for an undue length of time, &c. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 58-59.)
- "Jeannie Seaverns," of Gloucester, Mass., Joseph Tupper, master. While in the port of Liverpool, N. S., Captain Quigley, of the Dominion cruiser "Terror," prevented Captain Tupper from landing to visit relatives in Liverpool, and forbade Captain Tupper's relatives from going on board the "Jeannie Seaverns," placing a guard aboard of her while she was in that port. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, 58-59, and 60.)
- "Jennie and Julia," of Eastport, Me., W. H. Farris, master. While in Digby harbor, N. S., April (?) 18, 1886, was denied the privilege of buying herring. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 169-170.)
- "James A. Garfield," threatened with seizure on opportunity; charged with having purchased bait or ice in Dominion port or ports. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, p. 171.)

- "Abbie A. Snow," of Gloucester, Mass., Jeremiah Hopkins, master. Subjected to constant surveillance in harbour at Shelburne, N.S., by Captain Quigley, of Dominion cruiser "Terror," who finally boarded her with an armed guard, took Captain Hopkins ashore under armed guard, and threatened him with trouble if he revisited Shelburne. (This Rep., pp. 135-36, 138.)
- "Highland Light," of Provincetown, Mass. Seized off the north-east point of Prince Edward Island for catching fish within 3-mile limit. (This Rep., pp. 34, 153.)
- "Eliza A. Thoms," of Portland, Me., having gone ashore at Malpeque, laden with a fare of fish, the owners were not permitted to ship home either the fish, boats, or seines by vessels, but were after delay, compelled to ship them by rail. (This Rep., pp. 259-260.)

*Vessels seized by Canadian Authorities on the charge of violating the Fishery Regulations of the Dominion.*

- "David J. Adams," owned at Newburyport, Mass.; Aldon Kinney, master. Seized at Digby, N.S., May 7, 1886. (Senate Ex. Doc. No. 217, Forty-ninth Congress, first session; H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 8, 13, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 140, 141, 142, 148, 149, 150, 164, 168, 176, 177, 178, *et seq.* This Rep., p. 151.)
- "Ella M. Doughty," owned at Kennebunk, Me.; Warren A. Doughty, master. Seized at Englishtown, C.B., May 17, 1886. Released June 19, 1886; bail, \$3,400. Proceedings for remission. (Senate Ex. Doc. No. 217, Forty-ninth Congress, first session; H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 141, 142, 143, 144, 145, 146. This Rep., 255.)
- "City Point," owned at Booth Bay, Me.; Stephen Keene, master. Seized at Shelburne, N.S., July 3, 1886. Released on payment of \$400 alleged fine. (Senate Ex. Doc. No. 217, Forty-ninth Congress, first session; H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 44, 178, 193. This Rep., 238.)
- "George W. Cushing," owned at Bath, Me.; C. B. Jewett, master. Seized at Shelburne, N.S., July 3, 1886. Released on payment of \$400 alleged fine. (Senate Ex. Doc. No. 217, Forty-ninth Congress, first session; H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 142, 178, 182, 184. This Rep., 262.)
- "C. B. Harrington," owned at Portland, Me.; John Frelick, master. Seized at Shelburne, N.S., July 3, 1886. Released on payment of \$400 alleged fine. (Senate Ex. Doc. No. 217, Forty-ninth Congress, first session. This Rep., 262.)

*Vessels seized by the Canadian Authorities on the charge of violating Commercial or Trading Laws or Regulations of the Dominion.*

- "W. D. Daisley," of Gloucester, Mass. Seized at Souris, October 1886, on the charge that one of the crew had landed flour at Canso in the previous August. (This Rep., p. 197.)
- "The Druid," of Gloucester, Mass.; John McQuinn, master. Sailing under register to buy fish, not to catch, and having on board no apparatus for fishing, was twice boarded by the Captain of the Dominion cruiser "Houlett," with armed men, and once detained two nights and a day under armed guard at Malpeque on a charge of technical violation of Customs Regulations; subsequently released. (This Rep., pp. 129-132.)
- "Moro Castle," of Gloucester, Mass.; Edwin Joyce, master. Seized at Port Mulgrave, in the Strait of Canso, September 11, 1886; stripped and held for an offence alleged to have been committed in 1884. (This Rep., p. 217, *et seq.*)

*Vessels detained by Canadian Authorities on the charge of violating of Fishery or Trading Regulations of the Dominion of Canada.*

- "Joseph Story," owned at Essex, Mass. Seized at Baddeck, Cape Breton, April 24, 1886; released April 25, 1886. (Senate Ex. Doc. No. 217, Forty-ninth Congress, first session.)
- "Matthew Keany," owned at Bath, Me. Detained twenty-four hours. (Sen. Ex. Doc. No. 217, Forty-ninth Congress, first session.)
- "Hereward," owned at Essex, Mass.; McDonald, master. Seized July 3, 1886, at Canso. (Sen. Ex. Doc. No. 217, Forty-ninth Congress, first session; H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, p. 190.)
- "Everett Steele," of Gloucester, Mass.; Charles E. Forbes master. Detained in the port of Shelburne, N.S., 10th September, 1886, by Captain Quigley, of the "Terror," who boarded the "Steele," took her papers, and put her in charge of a policeman till the following day, when she was discharged by the Collector. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 52, 53, 54, 56, 153. This Rep., 216.)

*Vessels warned off by Canadian Authorities on the ground that they were about to violate the Fishery or Trading Laws or Regulations of the Dominion.*

- "Annie M. (or H.) Jordon," of Gloucester, Mass., was refused entry at the port of St. Andrews, N.B., although licensed to touch and trade. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 15, 171-172, 175-176. This Rep. 461.)
- "Martha A. Bradley," "Rattler," "Eliza Boynton," and "Pioneer," of Gloucester, Mass., were warned by the Sub-Collector of Customs at Canso to keep outside an imaginary line drawn from a point 3 miles outside Canso Head to a point outside St. Esprit, on the Cape Breton coast, a distance of 40 miles. This line, for nearly its entire continuance, is distant 12 to 25 miles from the coast. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 16, 42, 44, 48-49, 56-57, 120-123, 190-191. This Rep., 153, 195.)
- "Thomas F. Bayard," of Gloucester, Mass.; James McDonald, master. Warned off by Customs officials at Bonne Bay, Newfoundland, July 12, 1886. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 26-27, 46-47, 146-147, 150-151, 187-189.)
- "Masoot," of Gloucester, Mass.; Alexander McEachern, master. Warned by Customs officials at Port Amherst, Magdalen Islands, June 10, 1886, that if fresh bait was purchased vessel would be seized. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 46-47, 118-119-120, 146-147, 150-153.)

*Vessels subjected to Hostile Treatment by Dominion Officials.*

- The "Shiloh" and the "Julia Ellen." While these vessels were entering the harbor of Liverpool, N.S., Captain Quigley, of the Canadian cruiser "Terror," fired a gun across their bows to hasten their coming to, and placed a guard of two armed men on board each vessel, which guard remained on board until the vessels left the harbor. (H. R. Ex. Doc. No. 19, Forty-Ninth Congress, second session, pp. 44, 122-123. This Rep., 168.)
- "Marion Grimes," of Gloucester, Mass.; Alexander Landry, master. Was in port of Shelburne, N.S., October 11, 1886, under detention for alleged infraction of Customs Regulations, and while so there Captain Quigley, of the Dominion cruiser "Terror," compelled Captain Landry to haul down his (the United States') flag; upon its being run up a second time, Captain Quigley went on board the "Grimes" and hauled the flag down with his own hands. (H. R. Ex. Doc. No. 19, Forty-ninth Congress, second session, pp. 124-125, 153-163.)

It will be seen from the correspondence and papers submitted by the President, in his Message on the subject of the 8th December last (Ex. Doc. No. 19, Forty-ninth Congress, second session), and from the testimony taken by the Committee, that some of these instances of seizure or detention, or of driving vessels away by threats, &c., were in clear violation of the Treaty of 1818, and that others were on such slender and technical grounds, either as applied to fishing rights or commercial rights, as to make it impossible to believe that they were made with the large and just object of protecting substantial rights against real and substantial invasion, but must have been made either under the stimulus of the cupidity of the seizing officer, sharpened and made safe by the extraordinary legislation to which the Committee has referred, whereby the seizing officer, no matter how unjust or illegal his procedure may have been, is made practically secure from the necessity of making substantial redress to the party wronged, or of punishment, or else they must have arisen from a systematic disposition on the part of the Dominion authorities to vex and harass American fishing and other vessels so as to produce such a state of embarrassment and inconvenience with respect to intercourse with the provinces as to coerce the United States into arrangements of general reciprocity with the Dominion.

In respect of general reciprocity, the experience of the United States during the existence of the Treaty of 1854 was such as to lead Congress, with great unanimity, to terminate it; and the experience of the United States, under such so-called reciprocity as was provided for by the Treaty of 1871, was such as to lead both Houses, with very great unanimity, to terminate that. Each of these instances continued long enough to show fully the general working of the arrangement. The great balance of gain and advantage appeared to be in favor of the Canadians, while the great balance of loss and disadvantage fell on the people of the United States.

Indeed, the Treaty of 1871, so far as it related to the fisheries, &c., was based upon the idea that the right of American fishermen to fish within 3 miles of the Dominion shores was of some considerable value, which the United States thought would be fully compensated by admitting Dominion fishermen to the waters of the United States and admitting their fish free of duty. Notwithstanding this, by the methods and results of setting the balance of pecuniary advantages by the Halifax Commission, the United States paid on the award of



that Commission (waiving the serious question of its irregularity) \$5,500,000. So strong was the opinion of the United States, even at that time, that this award was wholly unjust in fact that it is understood that steps were taken to invite the British Government to terminate the Fisheries Clauses of the Treaty of 1871 immediately and before the positive period of ten years had expired, but it could not be accomplished.

From the investigations made by the Committee during the last summer and fall, and as the result of the great mass of testimony taken by it and herewith returned, the Committee believe it to be clear, beyond all dispute, that the right to fish within 3 miles of the Dominion shores is of no practical advantage whatever to American fishermen. The cod and halibut fishing has been for many years almost entirely carried on at long distances from the shores, in the deep waters, on banks, &c.; and it is believed that were there absolute liberty for Americans to fish, without restriction or regulation of any kind, within 3 miles of the Dominion shores, no such fisherman would ever think of going there for the purpose of catching cod or halibut.

As regards the obtaining of bait for this class of fishing, the testimony taken by the Committee in its inquiries clearly demonstrates that there is no necessity whatever for American fishermen to resort to Canadian waters for that purpose. Clam bait is found in immense quantities in our own waters, and there have been instances, so frequent and continuous as to amount to a habit, of the Canadians themselves resorting to American waters or ports for the purpose of obtaining it. The squid bait is found on the very banks where the fishing goes on. So that the instances would be extremely rare when any American fishing-vessel would wish to resort to a Dominion port for the purpose of buying bait for this kind of fishing.

It was also proved before the Committee that, with the rarest exception, it would be absolutely injurious to the pecuniary interests of all concerned for American vessels to resort to Dominion ports or waters, except in need or distress, for the time taken in such departures from the cod and halibut grounds, or from direct sailing to and from them, is so great, that with or without the difference of port expenses, time and money are both lost in such visits.

In respect of the mackerel fishery the Committee finds, as will be seen from the evidence referred to, that its course and methods have of late years entirely changed. While it used to be carried on by vessels fishing with hook and line, and sometimes near the shores, it is now almost entirely carried on by the use of immense seines, called purse-seines, of great length and descending many fathoms into the water. This gear is very expensive, and a fishing vessel does not usually carry more than one or two. The danger of fishing near the shore with such seines is so great, on account of striking rocks and reefs, that it is regarded as extremely hazardous ever to undertake it. Besides this, the large schools of mackerel, to the taking of which this great apparatus is best adapted, are almost always found more than 3 miles from land, either in great bays and gulfs, or entirely out at sea.

There will be found accompanying this Report (see Appendix) statements showing the total catch of mackerel during certain years, and the parts of the seas where they have been taken; and it will also be seen from the evidence that in general the mackerel fisheries by Americans in the Gulf of Saint Lawrence, and in the Bay of Chaleur have not been remunerative.

In view of all these facts, well known to the great body of the citizens of the United States engaged in fisheries, and embracing every variety of interest connected therewith, from the wholesale dealer, vessel-owner, and outfitter to that portion of the crew who receive the smallest share of the venture, it must be considered as conclusively established that there would be no material value whatever in the grant by the British Government to American fishermen of absolutely free fishing; and in this conclusion it will be seen, by a reference to the testimony, that all these interests fully concur.

It will also be noticed, on reference to the evidence, that it appears to show that when by force of the Treaty of 1871 Canadian fish, both salt and fresh, were admitted to the markets of the United States free of duty, no fall of prices to the consumer took place, and that the abrogation of the duty simply redounded to the advantage of the foreign fishermen or the foreign dealers in fish exporting the same to the United States; and that when, on the 1st July, 1885, the duty on salt fish was revived, no part of this duty was borne by the consumers in the United States, and that the cost of fish in the United States was not at all affected. It would follow that the sums received into the Treasury from these fish duties were paid and borne by the Canadians alone. A parallel instance is also found, on reference to the testimony, in the statements of gentlemen engaged in exporting salt fish from the United States to other countries where duties are imposed, these gentlemen stating that the duty thus imposed upon fish came out of their pockets, and not out of the pockets of the foreign consumers.

As regards commercial and other friendly business intercourse between ports and places in the Dominion and the United States, it is, of course, of much importance that Regulations affecting the same should be mutually reasonable and fairly administered. If an American vessel should happen to have caught a cargo of fish at sea 100 miles distant from some Canadian port, from which there is railway communication to the United States, and should be denied the privilege of landing and shipping its cargo therefrom to the United States, as the Canadians do, it would be, of course, a serious disadvantage, and there is, it is thought, nothing in the Treaty of 1818 which would warrant such an exclusion. But the Dominion laws may make such a distinction, and it is understood that, in fact, the privilege of so shipping fish from American vessels has been refused during the last year.

It is also inconvenient and injurious that American vessels of any character, whether engaged in fishing or licensed to touch and trade or purely mercantile vessels should be unable in cases of occasional necessity to resort to Canadian ports for the purpose of buying supplies or any commodities that the ordinary laws of the Dominion allow to be exported at all. Several instances of such injurious and unfriendly action appear to have taken place.

The Treaties between the United States and Great Britain on the subject of inter-communication, and the rights of the citizens and subjects of the one in the ports and territories of the other have not included the British dominions of North America (with possibly certain exceptions as to intercourse by land), and such intercourse, strangely enough, still remains the subject of legislation merely in the two countries. Such legislation to be tolerable must be mutually friendly and reciprocal, and laws upon the subject must be administered fairly and generously, and not in a spirit of carping at small matters or in any other wise in an unfriendly way. The Committee is pained to believe that such has not been the course of British legislation or of administrative practice.

In view of all that has taken place, the Committee thinks it to be the duty of the United States, in a firm and just way, to protect and defend the just and common rights of the people of the United States, whether fishermen, or traders, or travellers, or all, by all such measures as may be within our power. The measures the Committee proposes to this end rest upon a principle universally recognized as right and necessary in the intercourse of nations, and it has often been resorted to in one form or another by many nations.

It is recommended that the President of the United States be invested with the power, and that it be made his duty, whenever he shall be satisfied that unjust, unfair, or unfriendly conduct is practised by the British Government in respect of our citizens and their property within the ports or waters of the British dominions in North America, to deny to the subjects of that Government in British North America and their property, or to any classes of them, such privileges in the waters and ports of the United States as he may think proper to name, and to suspend in respect of such vessels or classes of vessels or such property or classes of property of the subjects of such Government the right of entering or being brought within the waters or ports of the United States, so that he shall be able from time to time, as each emergency may arise, to preserve the intercourse between the United States and that Government in a state of fair equality. The Committee, therefore, recommends the passage of the Bill (S. 3173) herewith reported.

The Committee also recommends that the papers, documents, and maps herewith returned be printed.

All of which is respectfully submitted.

(Signed)

GEO. F. EDMUNDS,  
For the Committee,

49TH CONGRESS, 2ND SESSION, S. 3173.

*A Bill to authorize the President of the United States to protect and defend the Rights of American Fishing-vessels, American Fishermen, American Trading and other Vessels, in certain cases, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by Treaty or Law, or are or then lately have been unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, Regulations, or requirements in respect of such

rights; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place, or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same Regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by Proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also, if he think proper, to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such Proclamation to any part or to all of the foregoing-named subjects, and may qualify, limit, and renew such Proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this Act. Every violation of any such Proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this Act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

(Enclosure No. 42.)

*Sir L. West to the Marquis of Salisbury.*—(Received February 7.)

(Extract.)

WASHINGTON, January 27, 1887.

MY LORD,—with reference to my despatch of the 25th January, I have the honor to add a précis of Senator Evarts' speech on the Fishery Bill. His contention is clearly put in so far as the nature of the Treaty of 1818 is concerned and the results of the interpretation of it, but he entirely ignores the persistent refusal of this Government, after the denunciation of the Treaty of 1854, to re-establish the commercial relations which existed under it, and which in fact were the outcome of the statutory legislation upon which he lays so much stress.

I have &c.,

(Signed) L. S. SACKVILLE WEST.

(Annex.)

*Précis of Speech of Senator Evarts in the Debate in the Senate on the Fisheries Bill January 24, 1887.*

Mr. Evarts clearly establishes that the Treaty of 1818 is essentially a Fishery Treaty regulating the fisheries between the two countries, and that in the absence of a Treaty of Commerce, and after the denunciation of the Fishery Articles of the Treaty of 1871, the two countries were brought back to the interpretation of that of 1818.

The effect of the enforcement of the regulations which Canada claims as a right under this Treaty has been to exclude American fishermen from what would be an ordinary suitable and necessary intercourse of comity in matters of commerce.

If such a construction of the Treaty is admitted, the remedy for the interruption of commerce which has taken place under it must be found in a modification or qualification of that Treaty by negotiation.

If this construction is not admitted, there can be no other ground for the interruption complained of, except under the claim that there is no Commercial Treaty which obliges Great Britain and her dependency in the Dominion to admit the commercial intercourse which has hitherto been carried on.

If, then, on that ground, and on that ground alone, this interference is based when taken by the Dominion authorities, the United States' Government has in its power, according to the same right and level of commercial claim, the same measure that Great Britain has. This action, he says, need not be called retaliatory—it is responsive. The first step in disturbing commerce was under the claim that there was no obligatory Treaty of Commerce that held the two countries to enjoy these privileges, and the same line is now taken by the United States' Government. This brings the dispute directly back to whether, under the construction of the Treaty of 1818, none of this disturbance, interruption, and interference on the part of the Dominion authorities can be justified. He did not, however, propose to debate that question. The settled opinion of the Government of the United States now is that the Treaty of 1818 is a Fishing Treaty, and not a Commercial Treaty at all. It is not a restriction of commerce, it is merely an enlargement of fishing rights.

He then goes on to explain that, by the progress of mutual advantage, interest, and good neighborhood, a commercial intercourse was opened, not by Treaty, but by Statute Law on the one side and on the other, which permitted this reciprocal intercourse, and that it has been destroyed by a meaning attached to the Treaty of 1818 which has the actual and practical result on the part of Great Britain of exercising towards the commerce of the United States what is really an interruption of these interests. He denies that the Treaty of 1818 gives any right of interference with commercial relations, and he repeats that such right can only be based on having no Treaty commercially obliging this relation to be kept open. So long therefore, as comity and courtesy, freedom of commercial intercourse are withheld, not under Treaty, but by positive law and authority, and only under positive law, the United States so respond by the present Bill.

(Enclosure No. 43.)

*Sir L. West to the Marquis of Salisbury.—(Received February 10.)*

WASHINGTON, January 28, 1887.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's despatch of the 13th instant, and to inform your Lordship that I have communicated copy of the report by the Minister of Justice of the Dominion of Canada enclosed therein to the United States' Government.

I have, &c.,

(Signed) L. S. SACKVILLE WEST.

(Enclosure No. 44.)

*Sir E. West to the Marquis of Salisbury.—(Received February 15.)*

WASHINGTON, January 28, 1887.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's despatch of the 11th instant, and to inform your Lordship that I have communicated copy of the despatch from the Governor General of Canada, therein enclosed, relative to the cases of the American fishing vessels "Pearl Nelson" and "Everett Steele," to the United States' Government.

I have, &c.,

(Signed) L. S. SACKVILLE WEST.

(Enclosure No. 45.)

*Mr. Bramston to Sir J. Pouncefote.—(Received February 15.)*

DOWNING STREET, February 15, 1887.

SIR,—I am directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor General of Canada, forwarding an approved Report of a Committee of the Privy Council of the Dominion, which contains the views of the Canadian Government in respect of the outline for an *ad interim* arrangement between the British and United States' Governments on the subject of the North American fisheries, communicated to the Foreign Office by the United States' Minister at this Court, and sent to this Department in your letter of the 9th December.

I am, &amp;c.,

(Signed) JOHN BRAMSTON.

[Annex.]

[The following despatch from Lord Clarendon to Sir F. Bruce contains the Memorandum referred to in the Canadian Report above.]

*The Earl of Clarendon to Sir F. Bruce.*

FOREIGN OFFICE, May 11, 1866.

SIR,—Mr. Adams placed in my hands on the 1st instant the paper of which I enclose a copy. The object of it, as you will see, is to provide by mutual agreement between the two Governments for ascertaining the extent of the restrictions imposed, under the 1st Article of the Convention of 1818, upon the fishermen of the United States while carrying on fishing operations on the coasts of Her Majesty's possessions in North America.

Mr. Adams did not accompany the communication of this paper with any explanatory observations in regard to the particular points of settlement of which was contemplated by the United States by means of the proposed agreement, and therefore it can only be inferred that, leaving out of consideration all question of fishing rights on the part of the United States on the coasts of the British possessions to which their fishermen are specially admitted, the object of the proposed Commission is to enquire into and define the several questions relating to rights of exclusive fishery possessed by Great Britain within bays and between headlands which have in former times been a fruitful source of discussion between the two Governments.

These questions were put in abeyance by the Reciprocity Treaty of 1854, but are now revived with all their difficulties by the abrogation of that Treaty at the demand of the Government of the United States.

The definition of the limits of restriction on fishery retained in the Reciprocity Treaty has occupied a Mixed Commission up to the present time, and their labours were only completed when the entire benefit to be derived from them was, in consequence of the abrogation of the Treaty, no longer enjoyable by the fishermen of either country.

It is probable that the Government of the United States, having in view the process by which the fishing provisions of the Reciprocity Treaty were, in one respect, to be carried into effect, contemplate the possibility, by a similar process of determining (though without having recourse to an international arrangement of the same kind—at all events in the first instance) the various questions which for the time were set at rest by the Treaty of 1854.

Her Majesty's Government will very readily associate themselves with that of the United States in such an attempt, and they therefore authorise you to accept, at least in principle, the proposal for a Mixed Commission for the purposes specified in the first, second, and third clauses of the paper delivered to me by Mr. Adams.

But before you sign a Protocol to that effect, Her Majesty's Government desire that you should obtain from the Government of the United States a more distinct explanation of the duties which it is proposed to confide to the Mixed Commission, and of the limits within which it is to operate; though, if that explanation is such as shall satisfy you that you may safely proceed, you may at once sign such a document without further instructions; if, however, you entertain any doubt on the subject, or would prefer, on so important a question,

that Her Majesty's Government should have an opportunity of previously signifying their concurrence in the document you may be prepared to sign, you are at liberty to refer home for definitive instructions.

Her Majesty's Government understand that "the southern coast of Newfoundland, which extends from Cape Ray to the Rameau Islands;" "the western and northern coasts of Newfoundland, from the said Cape Ray to the Quirpon Islands;" "the shores of the Magdalen Islands;" "the coasts, bays, harbours, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly, indefinitely, along the coast;" and also "the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland here above described, and of the coast of Labrador," will be excluded from the operations of the Commission, whose duty will therefore be confined to ascertaining what is the real extent and meaning of the renunciation, on the part of the United States, "to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America, not included within the above-mentioned limits;" and, having ascertained these points, then to lay down regulations under which United States' fishermen may be "admitted to enter such bays or harbours for the purpose of shelter and repairing damages therein, of purchasing wood, and of obtaining water;" and to agree upon a system of police for enforcing the conclusions at which the Commission may arrive.

If I have correctly described the object of the United States in the present proposal, Her Majesty's Government will readily accede to it, and will cordially co-operate in removing a source of much irritation between the subjects and citizens of the two countries.

In any case, however, Her Majesty's Government would reserve, as that of the United States are also prepared for themselves to reserve, the right of considering the recommendations of the Joint Commission, before they can finally be held binding on the two Governments; and Her Majesty's Government would hold themselves entitled to maintain, pending the determination of the questions to be discussed, the principles for which they have heretofore contended, and to enforce all regulations and assert all rights which previously to the conclusions of the Reciprocity Treaty, the British Government asserted and enforced. Therefore, if the purport of the concluding paragraph of Mr. Adams' paper is meant by the United States to involve an obligation on the part of Her Majesty's Government to continue to allow, during the sitting of the Commission, fishermen of the United States to enjoy in British waters the privileges under the Reciprocity Treaty which the Government of the United States have now renounced for their citizens, you will frankly state to Mr. Seward that into such an engagement Her Majesty's Government cannot enter.

Her Majesty's Government are most desirous that the rights of the Colonies should be so enforced as to give the least possible occasion for complaint or discussion. They have cordially approved, and have recommended to the Governments of the other British Provinces, a proposal made by the authorities of Canada, that American fishermen should for the present season be allowed to enjoy, under special licenses, the benefits conferred by the Reciprocity Treaty, and they will be glad to learn that the Lower Provinces have adopted an arrangement intended to prevent the change of circumstances from operating suddenly to the injury of the fishing interests of citizens of the United States; but they cannot engage indefinitely to adhere to this system, though they are perfectly prepared to concert with the United States for substituting for it a more permanent arrangement which, either solely applicable to fisheries, or more generally comprising the common interests of Her Majesty's subjects, and those of the citizens of the United States, shall hold out a promise of mutual interest to both parties, and the strongest assurance of peace and good-will between the two Governments.

You will, of course, freely communicate with Her Majesty's Colonial authorities on the matters referred to in this despatch.

In the meanwhile, I shall take an opportunity to inform Mr. Adams that, while cordially assenting in principle to the proposal which he placed in my hands, and anxiously desiring that it may lead to a good result, Her Majesty's Government have thought that the negotiation would be facilitated by its being carried on between you and Mr. Seward.

I am, &c.,

(Signed) CLARENDON.

[Enclosure No. 46.]

*The Marquis of Salisbury to Sir L. West.*

FOREIGN OFFICE, February 17, 1887.

SIR,—I have received your despatch of the 28th ultimo, relative to the case of the United

States' schooner "Sarah H. Prior;" and I have to acquaint you that I have requested to be furnished with a Report from the Dominion Government on the subject.

I am, &c.,

(Signed) SALISBURY.

[Enclosure No. 47.]

*Sir J. Poncefote to Sir R. Herbert.*

FOREIGN OFFICE, February 17, 1887.

SIR,—I am directed by the Marquis of Salisbury to transmit to you, to be laid before Sir Henry Holland, a copy of a despatch from Her Majesty's Minister at Washington, enclosing a copy of a note from the United States' Secretary of State, requesting *Vide* correspondence 1885-87, pgs. 220-221. that an investigation may be made into the case of the United States' schooner "Sarah H. Prior;" and I am to request that a Report may be obtained from the Dominion Government on the subject.

I am, &c.,

(Signed) JULIAN PAUNCEFOTE.

[Enclosure No. 48.]

*Sir L. West to the Marquis of Salisbury—(Received February 19.)*

WASHINGTON, February 4, 1887.

MY LORD,—I have the honour to enclose to your Lordship herewith copies of a letter from the Secretary of State, transmitting to the Senate a revised list of the American vessels seized, detained, or warned off from Canadian ports during the last year.

I have, &c.,

(Signed) L. S. SACKVILLE WEST.

[Annex.]

49TH CONGRESS, 2ND SESSION.—SENATE.—EX. DOC. NO. 55.

*Letter from the Secretary of State transmitting Revised List of Vessels involved in the Controversy with the Canadian Authorities.*

January 27th, 1887.—Ordered to be printed, and also to be bound with Senate Report No. 1683.

DEPARTMENT OF STATE, WASHINGTON, January 26, 1887.

SIR,—Responding to your request, dated the 17th, and received at this Department on the 18th instant, on behalf of the Committee on Foreign Relations, for a revision of the list, heretofore furnished by this Department to the Committee, of all American vessels seized, warned, fined, or detained by the Canadian authorities during the year 1886, I now enclose the same.

Every such instance is therein chronologically enumerated, with a statement of the general facts attendant.

Very respectfully, &c.,

(Signed) T. F. BAYARD.

Hon. GEORGE F. EDMUNDS, United States' Senate.

*List of American Vessels seized, detained, or warned off from Canadian ports during the last Year.*

"Sarah B. Putnam."—Beverly, Mass.; Charles Randolph, master.  
Driven from harbour of Pubnico in storm, March 22, 1886.

"Joseph Story."—Gloucester, Mass.

Detained by customs officers at Baddeck, N.S., in April, 1886, for alleged violation of the Customs Laws. Released after twenty-four hours' detention.

"Seth Stockbridge."—Gloucester, Mass.; Antoine Olson, master.  
Warned off from St. Andrews, N.B., about April 30, 1886.

"Annie M. Jordan."—Gloucester, Mass.; Alexander Haine, master.  
Warned off at St. Andrews, New Brunswick, about May 4, 1886.

"David J. Adams."—Gloucester, Mass.; Alden Kinney, master.

Seized at Digby, Nova Scotia, May 7, 1886, for alleged violation of Treaty of 1818, Act of 59 George III. and Act of 1843. Two suits brought in Vice-Admiralty Court at Halifax for penalties. Protest filed May 12. Suits pending still, and vessel not yet released apparently.

"Susie Cooper."—(Hooper?) Gloucester (?), Mass.

Boarded and searched, and crew rudely treated, by Canadian officials in Canso Bay, Nova Scotia, May, 1886.

"Ella M. Doughty."—Portland, Me.; Warren A. Doughty, master.

Seized at St. Ann's, Cape Breton, May 17, 1886, for alleged violation of the Customs Laws. Suit was instituted in Vice-Admiralty Court at Halifax, Nova Scotia, but was subsequently abandoned, and vessel was released June 29, 1886.

"Jennie and Julia."—Eastport, Me.; W. H. Travis, master.

Warned off at Digby, Nova Scotia, by Customs officers, May 18, 1886.

"Lucy Ann."—Gloucester, Mass.; Joseph H. Smith, master.

Warned off at Yarmouth, Nova Scotia, May 29, 1886.

"Matthew Keany."—Gloucester, Mass.

Detained at Souris, Prince Edward Island, one day for alleged violation of Customs Laws, about May 31, 1886.

"James A. Garfield."—Gloucester, Mass.

Threatened, about June 1, 1886, with seizure, for having purchased bait in a Canadian harbour.

"Martha W. Brady."—Gloucester, Mass.; J. F. Vantier, master.

Warned off at Canso, Nova Scotia, between June 1 and 8, 1886.

"Eliza Boynton."—Gloucester, Mass.; George E. Martin, master.

Warned off at Canso, Nova Scotia, between June 1 and 9, 1886. Then afterwards detained in manner not reported, and released October 25, 1886.

"Masco."—Gloucester, Mass.; Alexander McEachern, master.

Warned off at Port Amherst, Magdalen Islands, June 10, 1886.

"Thomas F. Bayard."—Gloucester, Mass.; James McDonald, master.

Warned off at Bonne Bay, Newfoundland, June 12, 1886.

"James G. Craig."—Portland, Me.; Webber, master.

Crew refused privilege of landing for necessaries at Brooklyn, Nova Scotia, June 15 or 16, 1886.

"City Point."—Portland, Me.; Keene, master.

Detained at Shelburne, Nova Scotia, July 2, 1886, for alleged violation of Customs Laws. Penalty of 400 dollars demanded. Money deposited under protest, July 12, and in addition, 120 dollars costs deposited July 14. Fine and costs refunded July 21, and vessel released August 26. Harbour dues exacted August 26, notwithstanding vessel had been refused all the privileges of entry.

"C. P. Harrington."—Portland, Me.; Frellick, master.

Detained at Shelburne, Nova Scotia, July 3, 1886, for alleged violation of Customs Laws; fined 400 dollars July 5; fine deposited under protest, July 12; 120 dollars costs deposited July 14; refunded July 21, and vessel released.

"Hereward."—Gloucester, Mass.; McDonald, master.

Detained two days at Canso, Nova Scotia, about July 3, 1886, for shipping seamen contrary to port laws.



"G. W. Cushing."—Portland, Me.; Jewett, master.

Detained July (by another report June) 3, 1886, at Shelburne, Nova Scotia, for alleged violation of the Customs Laws; fined 400 dollars; money deposited with collector at Halifax about July 12 or 14, and 120 dollars for costs deposited 14th; costs refunded July 21, and vessel released.

"Golden Hind."—Gloucester, Mass.; Reuben Cameron, master.

Warned off at Bay of Chaleurs, on or about July 23, 1886.

"Novelty."—Portland, Me.; H. A. Joyce, master.

Warned off at Pictou, Nova Scotia, June 29, 1886, where vessel had entered for coal and water; also refused entrance at Amherst, Magdalen Islands, July 24.

"N. J. Miller."—Booth Bay, Me.; Dickson, master.

Detained at Hopewell Cape, New Brunswick, for alleged of Customs Laws, on July 24, 1886. Fined 400 dollars.

"Rattler."—Gloucester, Mass.; A. F. Cunningham, master.

Warned off at Canso, Nova Scotia, June, 1886. Detained in port of Shelburne, Nova Scotia, where vessel entered seeking shelter August 3, 1886. Kept under guard all night and released on the 4th.

"Caroline Vought."—Booth Bay, Me.; Charles S. Reed, master.

Warned off at Paspebiac, New Brunswick, and refused water, August 4, 1886.

"Shiloh."—Gloucester, Mass.; Charles Nevit, master.

Boarded at Liverpool, Nova Scotia, August 9, and subjected to rude surveillance.

"Julia & Ellen."—Booth Bay, Me.; Burnes, master.

Boarded at Liverpool, Nova Scotia, August 9, 1886, and subjected to rude surveillance.

"Freddie W. Allton."—Provincetown, Mass.; Allton, master.

Boarded at Liverpool, Nova Scotia, August 9, 1886, and subjected to rude surveillance.

"Howard Holbrook."—Gloucester, Mass.

Detained at Hawkesbury, Cape Breton, August 17, 1886, for alleged violation of the Customs Laws. Released August 20 on deposit of 400 dollars. Question of remission of fine still pending.

"A. R. Crittenden."—Gloucester, Mass.; Bain, master.

Detained at Hawkesbury, Nova Scotia, August 27, 1886, for alleged violation of Customs Laws; 400 dollars penalty deposited August 28 without protest, and vessel released; 375 dollars remitted, and a nominal fine of 25 dollars imposed.

"Mollie Adams."—Gloucester, Mass.; Solomon Jacobs, master.

Warned off into storm from Straits of Canso, Nova Scotia, August 31, 1886.

"Highland Light."—Wellfleet, Mass.; J. H. Ryder, master.

Seized off East Point, Prince Edward Island, September 1, 1886, while fishing within prohibited line. Suit for forfeiture begun in Vice-Admiralty Court at Charlottetown. Hearing set for September 20, but postponed to September 30. Master admitted the charge and confessed judgment. Vessel condemned and sold December 14. Purchased by Canadian Government.

"Pearl Nelson."—Provincetown, Mass.; Kemp, master.

Detained at Arichat, Cape Breton, September 8, 1886, for alleged violation of Customs Laws. Released September 9 on deposit of 200 dollars. Deposit refunded October 26, 1886.

"Pioneer."—Gloucester, Mass.; F. F. Cruched, master.

Warned off at Canso, Nova Scotia, September 9, 1886.

"Everett Steele."—Gloucester, Mass.; Charles H. Forbes, master.

Detained at Shelburne, Nova Scotia, September 10, 1886, for alleged violation of Customs Laws. Released by order from Ottawa, September 11, 1886.

"Moro Castle."—Gloucester, Mass.; Edwin M. Joyce, master.

Detained at Hawkesbury, Nova Scotia, September 11, 1886, on charge of having smuggled goods into Chester, Nova Scotia, in 1884, and also of violating Customs Laws. A deposit of 1,600 dollars demanded. Vessel discharged November 29, 1886, on payment, by agreement, of 1,000 dollars to Canadian Government.

"William D. Daisley."—Gloucester, Mass.; J. E. Gorman, master.

Detained at Fouris, Prince Edward Island, October 4, 1886, for alleged violation of Customs Laws. Fined 400 dollars, and released on payment; 375 dollars of the fine remitted.

"Laura Sayward."—Gloucester, Mass.; Medeo Rose, master.

Refused privilege of landing to buy provisions at Shelburne, Nova Scotia, October 5, 1886.

"Marion Grimes."—Gloucester, Mass.

Detained at Shelburne, Nova Scotia, October 9, for violation of port laws in failing to report at Custom house on entering. Fined 400 dollars. Money paid under protest and vessel released. Fine remitted December 4, 1886.

"Jennie Seaverns."—Gloucester, Mass.; Joseph Tupper, master.

Refused privilege of landing, and vessel placed under guard at Liverpool, Nova Scotia, October 20, 1886.

"Flying Scud."—Gloucester, Mass.

Detained for alleged violation of Customs Laws at Halifax, November 1, or about that time. Released November 16, 1886.

"Sarah H. Prior."—Boston, Mass.

Refused the restoration of a lost seine, which was found by a Canadian schooner, December, 1886.

Boat (name unknown).—Stephen R. Balkam, master, Eastport, Me.

Warned off at St. Andrews, New Brunswick, July 9, 1886, with others.

Two small boats (unnamed).—Charles Smith, Pembroke, Me., master.

Seized at East Quoddy, New Brunswick, September 1, 1886, for alleged violation of Customs Laws.

"Druid" (foreign built).—Gloucester, Mass.

Seized, warned off, or molested otherwise at some time prior to September 6, 1886.

"Abbey A. Snow."—Injury to this vessel has not been reported to the Department of State.

"Eliza A. Thoms."—Injury to this vessel has not been reported to the Department of State.

"Wide-Awake."—Eastport, Me.; William Foley, master.

Fined at L'Etang, New Brunswick, 75 dollars for taking away fish without getting a clearance; again, November 13, 1886, at St. George, New Brunswick, fined 20 dollars for similar offence. In both cases he was proceeding to obtain clearances.

[Enclosure No 49.]

*Sir L. West to the Marquis of Salisbury.—(Received February 22.)*

WASHINGTON, February 7, 1887.

MY LORD,—I have the honour to inform your Lordship that the Secretary of the Treasury has sent a long reply to a request of the House Committee on Foreign Affairs for any suggestions he may desire to make with reference to the non-intercourse Bill now under consideration, and for which he proposes to substitute the Bill, copies of which, as published in the newspapers, are herewith enclosed. The Secretary holds that when Treaty rights are curtailed the right to respond exists. The Canadian Act recently approved by the Imperial Government, he maintains, was intended to forfeit any American fishing vessel which is found having entered Canadian waters to buy ice, bait, or other articles, or for any purpose other than shelter, repairs, wood, or water, on the plea that the Treaty of 1818 permits and stipulates for such legislation. That he denies, and contends that such legislation is a repeal and annulment by England of the arrangement made in 1830, and that to that repeal the United States' Government is entitled to respond by a similar repeal of their own law, and by a refusal hereafter, and while debate or negotiation goes on, to confer hospitality or any privileges whatever in United States' ports on Canadian vessels or boats of any sort. England, he says, may judge for herself of the nature and extent of the comity and courtesy she will show the United States, and the United States simply respond—suspend comity and hospitality.

He therefore proposes a Bill, which is in substance the one before the House, authorizing the President, under given circumstances, to exclude both vessels, goods, engines, and cars coming from Canada. The Secretary considers the question whether or not Article XXIX of the "Alabama" Treaty\* was left standing by the Act of Congress of 1833 (33d

\* Treaty of Washington, May 8, 1871.

June) and the President's proclamation thereunder. If, he concludes, the stipulations of this article are now binding on Great Britain, then it is indisputable that the vessels of the United States are entitled by the Treaty to enter fish as merchandise at the proper Custom house of any Canadian port for conveyance in bond to the United States, for, of necessity, the vessel containing the fish is entitled to enter the port in order to enter the merchandise at the proper Custom house.

In the preamble of this proposed Bill will be found the grounds upon which it is based.

I have, &c.,

(Signed) L. S. SACKVILLE WEST.

† See "United States No. 1 (1887)," p. 8, No. 11.

[Annex.]

*Extract from the "New York World" of February 7, 1887.*

**SECRETARY MANNING'S BILL.**—Subject to this policy, therefore, even when repelling aggression; avowing this common duty and ultimate destiny, even when responding to an offensive non-intercourse policy, by offended non-intercourse acts which at any moment we are more anxious to withdraw from than now willing to enter upon, I submit to your Committee, with the greatest deference, the following Bill:—

*An Act to enable the President to protect and defend the Rights and Privileges of Vessels of the United States.*

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

"Whereas, the United States having by Treaty with His Majesty the King of the United Kingdom of Great Britain and Ireland, renounced certain specified incidents and parts of the therein recognized liberties of the United States in the fisheries of the North Atlantic heretofore enjoyed in common with the inhabitants of the places bordering thereon, namely, the liberty to take, dry, and cure fish within three marine miles of certain designated coasts, bays, creeks and harbours of the British dominions of North America;

"Whereas, the United States having retained unrenounced the rest and residue of their rights and liberties in the fisheries of the North Atlantic, the Gulf of St. Lawrence, the Newfoundland and Labrador coasts; and,

"Whereas, the United States having by the said Treaty subjected even their right to traverse and their liberty to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, and of purchasing wood, and of obtaining water, to whatsoever restrictions might be necessary to effectuate their said renunciation of taking, drying, and curing fish therein; and,

"Whereas, the aforesaid renunciation of what has now become valueless, and which the United States have no wish to resume or enjoy, has, by those having authority over the lands adjacent to the said bays and harbours, been made a pretext for laws so executed as to enlarge, distend, and pervert the said renunciation into nullification or denial of the said unrenounced, recognized, and common rights and liberties of the United States in the said British waters, coasts, and common sovereignty in the fisheries therein, to-wit: Denial at all Canadian ports open to the entry of foreign vessels, to regularly documented vessels of the United States, whether following inshore fishery thereabouts on coasts, bays, creeks, harbours, abores, and straits, designated and unrenounced in the said Treaty, or pursuing off-shore fishery, or fishery upon the high seas thereabouts, of rights to which such vessels and their crews are entitled, to-wit, likewise, denial at all Canadian ports open for entry by foreign vessels, to regularly documented vessels of the United States, of commercial and trading privileges now ordinary in the intercourse of civilized peoples, and such as in all ports of entry for foreign vessels established by law in the United States, are now, and for many years past have been conceded to and enjoyed by Canadian and British vessels entering and trading at the same; and,

Whereas, for past aggressions and injuries in that regard, redress is delayed or withheld; and,

"Whereas, a recent and more stringent statute enacted by the Canadian Parliament, and approved by the Queen in Council on the 26th November last, seems to prove those aggres-

sions and injuries deliberate and politic, to forbode their continuance, and to project Canadian non-intercourse with American fishing vessels for general purposes of trade; therefore,

"Section 1. That whenever the President shall be satisfied that vessels of the United States are, by British or Canadian authority, denied or abridged in the reasonable enjoyment of any rights, privileges, or liberties, on Canadian waters or coasts, or in Canadian ports to which rights, privileges, or liberties, such vessels, their masters or crews, are entitled, by Treaty, or by the law of nations, it shall, in his discretion, be lawful, and it shall, in his discretion, be the duty of the President to close, by a proclamation to that effect, all the ports of the United States against any and every vessel owned wholly or in part by a subject of Her Britannic Majesty, and coming or arriving from any port or place in the Dominion of Canada, or in the Island of Newfoundland, whether directly or having touched at any other port, excepting such vessels shall be in distress of navigation and of needed repairs or supplies therefor, and every vessel thus excluded from the ports of the United States that shall enter, or attempt to enter the same, in violation of this Act, shall, with her tackle, apparel, furniture, and all the cargo on board, be seized and forfeited to the United States, or the value thereof to be recovered of the person or persons making or attempting to make entry.

"Sec. 2. That it shall, in his discretion, be lawful for the President, and it shall, in his discretion, be his duty, whenever he shall be satisfied as is in the 1st section hereof declared, to prohibit, by proclamation, the entry, or importation, or bringing into any collection, district, or place, in the United States, of any goods, wares or merchandize, from the aforesaid Dominion of Canada, or Newfoundland, of any locomotive, car, or other vehicle, from the Dominion of Canada; but the President may, in his discretion, apply such Proclamations to any part or all of the things or articles herein named, and may qualify, limit, rescind, or renew the application thereof; and all goods, wares, or merchandize, locomotives, cars, or other vehicles imported or brought, or attempted to be imported or brought, into the United States, contrary to the provisions of this Act, shall be seized and forfeited to the United States, or the value thereof to be recovered of the person or persons so importing or bringing.

"Sec. 3. Any person who shall violate any of the provisions of the 1st or 2nd section of this Act, or any Proclamation of the President made in pursuance hereof, shall be deemed guilty of misdemeanour, and on conviction thereof shall be punished by a fine not exceeding 1,000 dollars, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the Court.

"Sec. 4. That the President be, and is hereby authorized, to appoint a Commissioner to proceed to such places, in the United States or elsewhere, as may be designated by the Secretary of State, to take testimony, under oath or affirmation, in relation to the losses and injuries inflicted since the 31st December, 1885, by British authorities, Imperial or Colonial, upon citizens of the United States engaged in the fisheries on the north-east coast of British North America. Said Commissioner shall everywhere have, in respect to the administration of oaths or affirmation and the taking of testimony, the same powers as a Commissioner of a Circuit Court, and shall be paid the same fees as are prescribed for similar services of a Commissioner of a Circuit Court, together with travelling expenses."

The above is but a summary - the Bill, of Act which might be ordained; the preamble, of reasons and grounds. Of course preambles can never create powers, but may serve to explain them. They are rare in the Acts of Congress. The disused form was convenient to enable me to satisfy your request.

[Enclosure No. 50.]

*Mr. Bramston to Sir J. Pouncefote—(Received February 25.)*

DOWNING STREET, February 24, 1887.

SIR—With reference to your letter of the 17th instant, I am directed by Secretary Sir Henry Holland to request that you will inform the Marquis of Salisbury that the Governor-General of Canada has been requested to cause a report to be furnished of the alleged conduct of the Captain of the Canadian revenue cutter "Critic" in connection with the case of the United States' schooner "Sarah H. Prior."

I am, &c.,

(Signed)

JOHN BRAMSTON.

[Enclosure No. 51.]

*Mr. Bramston to Sir J. Pauscefote.—(Received March 1.)*

DOWNING STREET, February 28, 1887.

SIR,—With reference to the letter from this Department of the 8th ultimo, and to previous correspondence respecting the alleged action of the Canadian authorities in the case of the United States' fishing-schooners "Pearl Nelson" and "Everett Steele," I am directed by Secretary Sir H. Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a further despatch, with its enclosure, from the Governor-General of the Dominion on the subject.

*Vide correspondence*  
1885-87, pages 211-  
212.

I am, &amp;c.,

(Signed) JOHN BRAMSTON.

[Enclosure No. 52.]

*Mr. Bramston to Sir J. Pauscefote.—(Received March 1.)*

DOWNING STREET, February 28, 1887.

SIR,—With reference to previous correspondence relating to an *ad interim* arrangement with the Government of the United States upon the North American Fisheries question, I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram which, with his Lordship's concurrence, was sent to the Governor-General on the 24th of this month, together with a copy of a telegram which has been received from the Marquis of Lansdowne in reply.

*Vide correspondence*  
1885-87, pages 222-  
223.

I am, &amp;c.,

(Signed) JOHN BRAMSTON.

[Enclosure No. 53.]

*Sir L. West to the Marquis of Salisbury.—(Received March 4.)*

WASHINGTON, February 21, 1887.

MY LORD,—I have already reported to your Lordship the nature of the so-called retaliation Bills which have been introduced into both Houses of Congress, and are still under discussion. In commenting upon the House Bill, which goes further in the way of interference with trade with Canada than the Senate Bill, the *Nation* newspaper of New York remarks that it goes further even than the fishing fraternity desire or approve. The latter would be content with the entire exclusion of Canadian fish from American markets. A monopoly of the fish trade is what they are striving for, and as no monopoly could be more complete than prohibition, they appear not to favour the more drastic measure, the operation of which would, whenever put in force, produce a vociferous outcry all along the border from Passamaquoddy Bay to Puget Sound. "The stoppage of a traffic amounting to more than 70,000,000 dollars per year in order to secure justice respecting a few codfish would be like firing a Columbiad gun to kill a mosquito. The recoil would be far more destructive than the discharge. Why not submit the difficulty to arbitration? But it is said the United States were cheated out of their money by the Halifax Award. If that is true, was not England cheated by the Geneva Award? What has become of the surplus of the 15,000,000 dollars after paying the Alabama claims? Was this overplus greater or less than the 5,500,000 dollars paid by the United States for the Halifax Award? If it was greater, the United States paid it with British gold and had something left over."

I have, &amp;c.,

(Signed) L. S. SACKVILLE WEST.

---

[Enclosure No. 54.]

*Sir L. West to the Marquis of Salisbury.—(Received March 10.)*

WASHINGTON, February 24, 1887.

MY LORD,—I have the honour to enclose to your Lordship herewith copies of the Retaliatory Bill as passed by the House of Representatives yesterday by a vote of 252 to 1.

This Bill is a substitute for the Senate Bill, and authorizes the stopping of cars carrying goods in transit, provided for under Article XXIX of the Treaty of 1871. This clause, it was objected, would be in violation of the Treaty, and was an evasion unworthy of a civilized country.

The Senate Bill, on the contrary, was retorsion—it was retaliation in kind—always the most efficient. The House, however, refused to adopt the argument, and adhered to the substitute Bill, which was unanimously carried.

I have the honour to enclose a précis which I have made of the debate.

I have, &c.,

(Signed) L. S. SACKVILLE WEST.

---

[Annex No. 1.]

*Extract from the "Congressional Record" of February 25, 1887.*

Strike out all after the enacting clause and insert:—

"That hereafter, whenever the President shall be satisfied that vessels of the United States are denied, in ports or territorial waters of the British dominions in North America, rights to which such vessels are entitled by Treaty or by the law of nations, or are denied the comity of treatment of the reasonable privileges usually accorded between neighbouring and friendly nations, he may, in his discretion, by Proclamation, prohibit from entering the ports of the United States, or from exercising such privileges therein as he may, in his discretion, by such Proclamation, define, vessels owned wholly or in part by a subject of Her Britannic Majesty, and coming or arriving from any port or place in the Dominion of Canada, or in the Island Newfoundland, whether directly or having touched at any other port, excepting such vessel shall be in distress of navigation and of needed repairs or supplies therefor; and he may also forbid the entrance or importation, either by land or water, into the United States of any goods, wares, or merchandize from the aforesaid Dominion of Canada or Newfoundland, or any locomotive, car, or other vehicle with any goods that may be therein contained from the Dominion of Canada; and upon proof that the privileges secured by Article XXIX of the Treaty concluded between the United States and Great Britain on the 8th day of May, 1871, are denied as to goods, wares, and merchandize arriving at the ports of British North America, the President may also, by Proclamation, forbid the exercise of the like privileges as to goods, wares, and merchandize arriving in any of the ports of the United States; and any person violating or attempting to violate the provisions of any Proclamation issued under this Act, and any person preventing or attempting to prevent any officer of the United States from enforcing such Proclamation shall be guilty of a misdemeanour, and upon conviction thereof shall be liable to a fine of not more than 1,000 dollars, or imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the Court; and if, on and after the date at which such Proclamation takes effect, the master or other person in charge of any vessel thereby excluded from the ports of the United States, shall do, in the ports, harbours, or waters of the United States, for or on account of such vessel, any act forbidden by such Proclamation aforesaid, such vessel and its rigging, tackle, furniture, and boats, and all the goods on board shall be liable to seizure and forfeiture to the United States; and any goods, wares, or merchandize, and any car, locomotive, or other vehicle coming into the United States in violation of any Proclamation as aforesaid shall be seized and forfeited to the United States.

"Sec. 2. That whenever, after the issuance of a Proclamation under this Act, the President is satisfied that the denial of rights and privileges on which his Proclamation was based no longer exists, he may withdraw the Proclamation, or so much thereof as he may deem proper, and reissue the same thereafter when in his judgment the same shall be necessary."

[Annex No. 2.]

*Précis of Debate on the Canadian Non Intercourse Bill.*

*Mr. Belmont*, Chairman of the Committee on Foreign Relations, said that the Fishery question demanded the serious consideration of the country. It was not a mere commercial question, but one involving a submission to repeated violations of a Treaty. The Treaty of 1783 declared independence, defined boundaries, and was permanent in its provisions. It conferred also certain rights to deep-sea fisheries and liberties to inshore fisheries, and this distinction between rights to deep-sea fisheries and liberties to inshore fisheries had been maintained in all negotiations. The war of 1812 did not disturb these rights, nor were the fisheries mentioned in any of the Articles of the Treaty of Ghent in 1814. The fishery disputes, however, arising out of the system of non-commercial intercourse existing at that time, led to the Treaty of 1818.

Following upon the Treaty of 1818 were certain concerted legislative enactments, which finally put an end to the non-commercial intercourse. But, in the meanwhile, recourse had been had to retaliatory measures, and in 1827 Mr. Adams issued a Proclamation, which was applicable under present circumstances, declaring trade with the British Colonies prohibited, and reviving the restrictions of the Acts of 1818 and the following years. This was in consequence of American vessels having been interdicted from entering British colonial ports in 1826. Under the succeeding Administration, negotiations ensued by which the restrictions on both sides were withdrawn. There is, therefore, a precedent for interdiction of colonial commerce, not as a war measure, but as an incident to a negotiation by which a relief from prior restrictions was obtained.

There is no desire or intention of entering the prohibited waters as defined in the Treaty of 1818, but it is asked that that Treaty be interpreted according to its provisions, which refer only to inshore fisheries. The purpose of the Canadian Government is to strain the Treaty of 1818 to cover deep-sea fishing, and virtually to make the deep-sea fisheries territorial waters of Great Britain covered by the restrictions of the Treaty of 1818 upon inshore fisheries. This purpose is apparent from their legislative enactments of 1844, 1868, 1870, and, finally, the Act against the Proclamation of which by the Queen the United States protested in London. He then quotes Mr. Bayard's note of the 29th May, 1886, to Sir L. West, notwithstanding which the Act was proclaimed.

He then proceeds to enumerate the vessels which have been driven from Canadian ports in storm and stress of weather, and those which have been refused the privilege of landing to buy provisions, and says that, after the adjournment of Congress, the Canadian Statute may be still more vigorously enforced, and that, for this reason, power of defensive retaliation must be conferred upon the President. He objects to the Senate Bill, which provides that the President shall issue his Proclamation in case he is satisfied that American vessels are denied the rights granted to most favoured nations.

But he went on to say the United States have no Treaty with Great Britain containing any favoured nation clause, nor were the United States prepared to put themselves upon the same footing as any other nation, since under the Treaty of Peace they had certain rights to deep-sea fisheries, rights acquired by joint conquest, rights which no other nation, excepting Great Britain and themselves, possessed. The power conferred on the President should be conferred in distinct terms as regards the transit trade and its interdiction, because Canada, under Article XXIX of the Treaty of 1771, claims the right to send merchandise through the territory of the United States in sealed cars during the winter, when her own ports are closed. The Bill under discussion provided for the stoppage of railway cars, and how necessary this might be is seen from a passage in an article from the "Quarterly Review," to the effect that commerce fortunately can, by sealed cars and bonding arrangements, afford to disregard political boundaries. He therefore advocated the substitute Bill under consideration.

In answer to a question as to the meaning of the words, "vessels owned wholly or in part by a subject of Her Britannic Majesty," Mr. Belmont said that, if vessels under the British flag were simply shut out, it would not be sufficient, as there might be a transfer of ownership, and that American citizens might perhaps come to some arrangement for their own interest with their Canadian neighbours, and that, for this reason, the words, "wholly or in part," had been inserted in the Bill.

*Mr. Rice* contended, as was argued by Mr. Phelps, that American fishing-vessels sailing from American ports for deep-sea fishing had an unquestionable right, if provided with proper permits, to touch at Canadian ports for trading purposes, or to procure bait or other supplies like other vessels. The New England fishermen did not want to go into Canadian waters or to interfere with the inshore fisheries. If, however, the Canadian Government shuts out American vessels fishing in the deep seas who go into Canadian ports for the pur-

pose of buying supplies, upon the sale of which many of their poor people live, let them do it. The United States say that there is no provision that American vessels shall not go there. They say there is, and that is the question upon which the two Governments have joined issue. "They shut American fishing-vessels out of their ports, and we shut their fish out of our markets."

The Senate Bill, he contended, by which the President was authorized to prohibit all Canadian vessels from coming into American ports and the importation of all Canadian-caught fish and all Canadian products, was sufficient, and went far enough. He advocated therefore the adoption of the Senate Bill.

Mr. Davis maintained that the claim now, for the first time, made, that American fishing-vessels are by the terms of the Treaty of 1818 prohibited from commercial intercourse with British North America, is unfounded. If, he said, Great Britain is determined to sustain the Canadian authorities in a policy of commercial non-intercourse with a class of American vessels engaged in a legal and laudable occupation wholly without her jurisdiction, we must prove to her that such policy will be inconvenient and injurious to her interests. But the representations of the United States' Government have been wholly futile. No adequate reply has been vouchsafed, and it is now full time to vindicate by other steps our rights, interest and honor. The character of the retaliatory legislation proposed was in harmony with international law and numerous precedents.

Mr. Dingley said that if the United States' Government was right in assuming that the legislative arrangement with Great Britain obliges the United States to extend commercial privileges to the fishing-vessels of Canada in return for similar privileges granted to American vessels by Canada, then it becomes necessary to arm the President with authority to withdraw such privileges from Canadian fishing-vessels when and so long as Canada declines to concede them to fishing-vessels of the United States.

Mr. Hitt attacked the Secretary of State for his subserviency to the British Government in the matter of the temporary arrangement, which, he said, would have been a repetition of the Halifax Commission. Retaliatory measures had become necessary, but he strongly objected to the clause in the Bill providing for stopping locomotives and cars from coming from Canada, which, he said, had a hidden purpose, namely, to defy a Treaty and violate national faith. Under the XXIXth Article of the Treaty of 1871 with Great Britain, goods in transit have a right to go either way through the United States to Canada from American seaports, or through Canada to the United States from Canadian seaports, or the reverse.

Goods in transit are therefore allowed to go through by the Treaty, and the only way it can be done away with is to give two years' notice for its termination. One party to it cannot be held to grant the privilege or right when the other denies it. It expires when violated. But it is intended to reach it by this clause, which adroitly includes cars and locomotives among the things that may be stopped, though they are loaded with goods in transit under Treaty through the United States. The goods may go, but the cars which carry them must not.

"Now," said Mr. Hitt, "if such a proposition as that were presented by some crafty savage Chief in making a Treaty he would be laughed at, and yet it is deliberately proposed to the American Congress in order to evade and set at naught, not to violate squarely, a Treaty which is admitted to be in force."

He then proceeded to point out the inconvenience and delay which would be caused by adopting this clause which the Senate had almost unanimously rejected in their Bill, and would probably reject again when sent up to them by the House. A Conference must then ensue, the outcome of which was doubtful.

[Enclosure No. 55.]

*Sir L. West to the Marquis of Salisbury.—(Received March 10.)*

(Extract.)

WASHINGTON, February 25, 1887.

I have the honor to enclose to your Lordship herewith copies of a Resolution submitted to the Senate yesterday against negotiations with Great Britain having for object any change in existing duties on imports.

I have, &c.,

(Signed)

L. S. SACKVILLE WEST.



[Annex.]

*Extract from the "Congressional Record" of February 25, 1887.*

## RECIPROCITY TREATY WITH CANADA.

*Mr. Hoar*—I ask leave to submit a Resolution to go over under the rules:—

*Resolved*,—That it is the judgment of the Senate that under present circumstances no negotiation should be undertaken with Great Britain in regard to existing difficulties with her Province of Canada, which has for its object the reduction, change or abolition of any of our existing duties on imports.

[Enclosure No. 56.]

*Sir L. West to the Marquis of Salisbury.*—(Received March 10).

WASHINGTON, February 27, 1887.

MY LORD,—With reference to my despatch of the 25th instant, I have the honor to enclose to your Lordship herewith a short précis which I have made of the speeches of Senators Hoar, Morgan and Morrill on the Resolution, copies of which were enclosed therein.

I have, &amp;c.,

(Signed) L. S. SACKVILLE WEST.

[Annex.]

*Précis of Debate on Non-Reciprocity Resolution in the Senate.*

*Mr. Hoar* said that his resolution did not undertake to deal with any question of general principles as to existing duties, but it simply affirmed that, in the judgment of the Senate, the present conduct of Canada in regard to American fishing-vessels ought not to be met by a modification of duties merely, and that the attempt to force a change ought to be resisted. The resolution, moreover, did not affirm opposition to any change of duties or even to Reciprocity Treaties, but simply that it is no time to negotiate with Great Britain for a modification of customs duties when the question of the mal-treatment of American vessels has to be dealt with.

*Mr. Morgan* said that he apprehended that the object of the resolution was to forestall the President and Department of State in negotiations for a Treaty with Great Britain. It has repeatedly been asserted that a treaty arrangement for reciprocity which modified the tariff laws of the United States, or which would prevent their modification by an Act of Congress was in itself unconstitutional. He did not concur in the length and breadth of that proposition, nor was he prepared to vote that a treaty of reciprocity between the United States and Canada would not be a beneficial treaty to both countries. There might be a reciprocity treaty that would be of very great benefit to both countries, but this resolution proposed to commit the Senate in advance to a broad, firm, unyielding declaration that no reciprocity shall exist between the United States and Canada, which, if run to its logical consequences, would compel the abandonment of the advantages obtained under the Treaty of Washington. He deprecated the discussion of so grave a matter at the close of the session, and objected that the Senate of the United States has no right, either as a legislative body or as a separate body, to interfere in advance with negotiations between this country and any other country. He objected, moreover, to relieving the President from his constitutional duty of concluding such negotiations as may benefit the country, or to interfering with the exercise of his constitutional powers so as to anticipate any result, and compel him either to come to a certain conclusion in his negotiations or to avoid a certain conclusion. This disposition on the part of the Senate he pronounced pragmatical and unwarranted.

*Mr. Morrill* denied the constitutional power of the President even with the aid of the Senate to negotiate a reciprocity treaty with Canada, and make it binding as the supreme law of the land. If he may do it with one nation he may do it with all, and thus usurp the entire power of the House of Representatives as to the introduction and consideration of revenue

Bills. He then proceeded to argue that any advantageous treaty with Canada was impossible, for he believed that reciprocity treaties were in direct conflict with the "most-favoured nation" clause of existing treaties. To undertake, therefore, to have a reciprocity treaty with any nation by which more favours are given to one than to another would be in violation of existing treaty obligations. Beyond this, any treaty with Canada has to be made with the condition that the same favours that Canada grants are to be granted to Great Britain, thereby making the whole stipulation utterly valueless so far as the United States are concerned, unless American labour is put upon the level of that of Great Britain in order to undersell in Canada.

Mr. Hoar replied that the question of the general policy of Reciprocity Treaties was not involved in this resolution. It was only intended against the attempt of Canada to compel the United States to open their market to Canadian fishermen, an attempt which is clearly indicated in a speech of Sir John Macdonald, who declared that his policy was to compel the United States to open their markets, and that if he persisted in it the Canadian people might confide in him, and that the result should be accomplished. It was to defeat this attempt that his resolution was directed. He did not intend to press a division, and would allow it to go over under the assurance that the Finance Committee, to which it was referred would deal with it at once.

---

(Enclosure No. 57.)

*Mr. Bramston to Sir J. Pouncefote.—(Received March 14.)*

DOWNING STREET, March 12, 1887.

SIR,—With reference to previous correspondence relating to the North American fisheries question, I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a telegram which was sent to the Governor-General of Canada on the 8th instant, upon the subject of the proposal contained in the 3rd Article of the basis of an arrangement recently suggested on behalf of the United States' Government by Mr. Bayard.

I am also to enclose the decypher of a telegram which has been received from the Governor-General in reply.

Sir Henry Holland, as at present advised, is disposed to think that there is considerable force in the Governor-General's observations relating to the difficulty which, owing to the extent of coast-line, would be experienced in the cases of vessels seized being promptly dealt with by the national vessels referred to.

I am, &c.,

(Signed) JOHN BRAMSTON.

---

(Annex No. 1.)

*Sir H. Holland to the Marquis of Lansdowne.*

(Telegraphic.)

March 8, 1887.

Bayard's arrangement, Article 3.

If last sentence of Article omitted we think joint action of cruisers desirable, and Canadian jurisdiction might be preserved by provision that unless officers agree to release, vessels shall be sent to Halifax. We would also omit words in second sentence defining violations of convention.

---

(Annex No. 2.)

*The Marquis of Lansdowne to Sir H. Holland.*

(Telegraphic.)

March 10, 1887.

Your telegram of 8th.

Final answer cannot be sent for two or three days. Some of our objections removed by your amendments, but fear that the national vessels would not be accessible when required,

owing to length of coast-line, about 3,000 miles, to be protected. This would occasion prolonged detention of seized vessels. We also doubt whether naval officer would be competent to deal with disputed points of law which would be undoubtedly raised.

(Enclosure No 58.)

*Sir L. West to the Marquis of Salisbury.—(Received March 15.)*

WASHINGTON, March 1, 1887.

MY LORD,—In consequence of the action of the House of Representatives in passing the Retaliatory Bill, as reported in my despatch of the 24th ultimo, a conference was appointed upon the disagreeing votes, and the Report of the Managers on the part of the Senate of the Conference was read to that body on the 28th ultimo.

The irreconcilable point of difference, says the report, on the part of the two Houses is the insistence on the part of the House Managers upon adding to the scope of the Senate Bill and so going beyond it the further provision that in case of injurious treatment to American vessels in British North American waters, it shall be within the competence of the president to absolutely stop intercourse, not only by water, but by land, between the people of the United States and the people of the British territories adjacent, thus cutting off the continuous movement of railway trains from the British provinces to any part of the United States, and, in effect, reciprocally from the United States to the British dominions at all places where there now exist interior railroad lines crossing the boundaries of the two countries, in some cases operated and practically owned by British subjects, and in other cases by American citizens. The Senate Managers have felt it to be a duty to decline to go to this extent. It seems clear to them, and has not been controverted by the House Managers, that the things the President is authorized to do by the Senate Bill in the cases named are none of them in derogation, either directly or indirectly, of any Treaty right or of the peaceful business intercourse of nations, but that the Government in these respects is absolutely free to act in the manner proposed without being subject to the imputation that it is either in any way infringing the most liberal interpretation of any Treaty, or doing any act that nations at peace have not hitherto found themselves from time to time justified in doing, not in a spirit of belligerency, but merely as a matter of countervailing business regulations.

The result of the Conference, therefore, has been that the House Representatives declines to accept the Senate Bill unless provisions are made which the Senate believes to be unwise.

The report concludes by laying down the principle upon which the two Houses have hitherto acted, namely, that when either House proposes legislation that is satisfactory to the other as far as it goes, and the other House desires to go further and make affirmative and additional law, if it cannot convince its co-ordinate body that it is desirable to go further, the House proposing the affirmative additional legislation must recede.

The pretension, therefore, of the House in the present case is quite untenable.

I have the honour to enclose to your Lordship herewith a précis of Senator Morgan's speech on the report of the Senate Managers of the Conference.

I have, &c.,

(Signed) L. S. SACKVILLE WEST.

(Annex.)

*Précis of Senator Morgan's Speech on the Senate Managers' Report on the Retaliatory Bills.*

Senator Morgan said that the only difficulty in coming to a final arrangement was the apprehension of the Senate Conferees that the proposition submitted by the House would lead to a belligerent conflict with an existing Treaty between Great Britain and the United States. There was no agreement between the two countries in respect to commercial rights except under statute and legislation, and in one particular under Article XXIX of the Treaty of Washington, and it was clearly the duty of the Senate to consider the question whether the proposition of the House was a violation of that Treaty, or whether it might be considered as a threat of the violation of it.

The Committee cannot sanction the proposition.

It is said that the Administration is in favor of it, but he could scarcely think that, in view of the power conferred on the President by the Senate Bill, the Administration sought also the power to prohibit intercourse between the United States and the people of Canada. He could not, he said, conceive any act of legislation or any act of diplomacy that can be named which is as near the border-line of belligerency as that of prohibiting intercourse and communication between the people of two countries.

Proclaim non-intercourse between father and son, families, friends, merchants, traders, railroad officers, between the United States and Canada, as a measure of retaliation because of injury done to the fisheries, or anything else, and how long can a position so strenuous, so dangerous, and so belligerent, be sustained? A greater power could not be put in the hands of Great Britain then merely to make a Proclamation in this country that the best means to prevent aggression on the fishing interests would be absolute non-intercourse, personal non-intercourse between the people of Canada and the United States. It could not be sustained for three months, perhaps not for three weeks, in the absence of actual hostilities.

He then proceeded to say that as far as the House of Representatives was concerned as claiming for themselves that they are the more immediate representatives of the people than the Senate, he denied it. They are not so in heart or in sentiment. They are not so in any other respect.

The Senate had done all that was necessary under the circumstances, and the Bill they had passed was sufficient, and gave sufficient power to the President. But the power which is demanded as the one supreme thing to be insisted upon is the power to proceed to the very last line of friendly action towards Great Britain, the power next to which only can come the loading of guns and the array of men under arms.

(Enclosure No. 59.)

(*Sir L. West to the Marquis of Salisbury.—(Received March 15.)*)

WASHINGTON, March 2, 1887.

MY LORD,—With reference to my preceding despatch, I have the honour to enclose to your Lordship herewith copies of the Report of the House Conferees on the Retaliatory Bills, and of the Report of the debate thereupon.\*

It will be seen that the House maintains its attitude towards the Senate by refusing to accept the Bill of that body.

I have, &c.,

(Signed) L. S. SACKVILLE WEST.

(Enclosure No. 60.)

(*Sir L. West to the Marquis of Salisbury.—(Received March 16.)*)

WASHINGTON, March 3, 1887.

MY LORD,—With reference to my despatch of the 2nd instant, I have the honour to inform your Lordship that the House of Representatives yesterday receded from their amendments to the Senate Retaliatory Bill by a vote of 149 to 134, and the Senate Bill was passed.

I have, &c.,

(Signed) L. S. SACKVILLE WEST.

(Enclosure No. 61.)

*Sir J. Pouncefote to Sir R. Herbert.*

FOREIGN OFFICE, March 19, 1887.

SIR,—I am directed by the Marquis of Salisbury to transmit to you, to be laid before Sir H. Holland, copies of despatches, as marked in the margin, on the subject of the proposed Retaliatory Bills introduced into the United States' Legislative Chambers in connection with the North American Fisheries question.

Vide Enc: Nos. 54, 55  
and 56 of No. 7.

\* Not printed.

I am to suggest that it may be advisable to ascertain the views of the Canadian Government as to the bearing of Article XXIX of the Treaty of Washington upon this subject.

I am, &c.,

(Signed) JULIAN PAUNCEFOTE.

(Enclosure No. 62.)

*Mr. Bramston to Sir J. Pauncefote.—(Received March 19.)*

DOWNING STREET, March 18, 1887.

SIR,—I am directed by Secretary Sir Henry Holland to acknowledge the receipt of your letter of the 25th February last relating to the North American Fisheries question, and enclosing a copy of a despatch from Her Majesty's Minister at Washington, with a copy of a Bill which the Secretary to the Treasury of the United States proposes to substitute for the Belmont Bill.

With reference to the question raised by the Secretary to the Treasury, and referred to in the concluding paragraph of Sir L. West's despatch, as to whether Article XXIX of the Treaty of Washington is still in force, I am to state that the article was not one which was subject to termination under Article XXXIII, and Sir Henry Holland presumes that it is still in force; but he would be glad to know the opinion of the Marquis of Salisbury as to the effect of any legislation of the United States affecting that article.

Should there be any doubt as to whether this article is in force or not, it might be advisable to consult the Law Officers of the Crown.

I am, &c.,

(Signed) JOHN BRAMSTON.

(Enclosure No. 63.)

*The Marquis of Salisbury to Sir L. West.*

FOREIGN OFFICE, March 19, 1887.

SIR,—With reference to my predecessor's despatch of the 11th January last, I transmit to you herewith, for communication to the United States' Government, *Vide* correspondence, 1885-87, pages 211, 212, a copy of a further despatch from the Governor-General of Canada relative to the cases of the American fishing-vessels "Pearl Nelson" and "Everett Steele."

I am, &c.,

(Signed) SALISBURY.

[Enclosure No. 64.]

*Foreign Office to Colonial Office.*

FOREIGN OFFICE, March 29, 1887.

SIR,—In reply to your letter of the 18th instant, suggesting that, if there is any doubt whether Article XXIX of the Treaty of Washington is now in force or not, it might be advisable to consult the Law Officers of the Crown, I am directed by the Marquis of Salisbury to request you to refer Sir Henry Holland to my letter of the 19th instant, and state that his Lordship does not think there is at present any necessity for a reference to the Law Officers on this point; but that it might be desirable to obtain the opinion of the Canadian Government as to whether that Article is affected by any recent American legislation.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

[Enclosure No. 65.]

*Sir L. West to the Marquis of Salisbury.—(Received March 31.)*

WASHINGTON, March 20, 1887.

MY LORD,—I have the honour to enclose to your Lordship herewith copies of a Treasury Circular calling the attention of officers of Customs and others to the provisions of the recent Acts of Congress relating to the importing and landing of mackerel caught during the spawning season, and authorizing the President to protect the rights of American fishing-vessels.

*Vide correspondence*  
1885-87, page 232.

I have, &amp;c.

(Signed)

L. S. SACKVILLE WEST.

No. 8.

*Sir H. Holland to Lord Lansdowne.*

[No. 97.]

DOWNING STREET, 30th April, 1887.

MY LORD,—I have the honour to transmit to you, for communication to your Ministers, for any observations which they may have to offer, a copy of a letter from the Foreign Office, forwarding a despatch from Her Majesty's Minister at Washington, in regard to a report that the Canadian cruiser "Vigilant" fired a blank shot at an American fishing vessel within the three-mile limit.

I have, &amp;c.,

(Signed)

H. T. HOLLAND.

Governor General,

The Most Honourable

The MARQUIS OF LANSDOWNE.

[Enclosure No. 1.]

*The Foreign Office to the Colonial Office.*

FOREIGN OFFICE, April 23, 1887.

SIR,—I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before Sir Henry Holland, a copy of a dispatch (Treaty No. 51, April 8, 1887) from Her Majesty's Minister at Washington, relative to a report that the Canadian cruiser "Vigilant" fired a blank shot at an American fishing vessel within the three-mile limit.

I am, &amp;c.,

(Signed)

J. PAUNCEFOTE.

The UNDER SECRETARY OF STATE,  
Colonial Office.

[Enclosure No. 2.]

*Sir L. West to the Marquis of Salisbury.*

[Treaty No. 51.]

WASHINGTON, April 8, 1887.

MY LORD,—It is reported from St. John, New Brunswick, that the Canadian cruiser "Vigilant" fired a blank shot at an American fishing vessel within the three-mile limit. The press is, in consequence, urging that action should be taken under the retaliatory Act, and it is said that the Cabinet are considering the question.

I have, &amp;c.,

(Signed)

L. S. S. WEST.

The MARQUIS OF SALISBURY,  
&c., &c., &c.

No. 9.

*Sir Henry Holland to Lord Lansdowne.*

[No. 98.]

DOWNING STREET, 30th April, 1887.

MY LORD,—I have the honour to transmit to you, for communication to your Lordship's Government, a copy of a letter from the Foreign Office, 27th April, enclosing a despatch from Her Majesty's Minister at Washington, with a printed letter addressed by the President to the American Fisheries Union, published in the *Washington Republican*, on the question of putting in force the retaliatory Act, and an article from the *Washington Post*.

I have, &amp;c.,

(Signed) H. T. HOLLAND.

Governor General,  
The Most Honourable  
The MARQUIS OF LANSDOWNE.

[Enclosure No. 1.]

*The Foreign Office to the Colonial Office.*

FOREIGN OFFICE, 27th April, 1887.

SIR,—I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before Sir H. Holland, a copy of a despatch from Her Majesty's Minister at Washington enclosing extracts from the *Washington Republican* and *Washington Post* of the 9th instant, relative to a letter addressed by the President of the United States to the American Fisheries Union on the question of putting in force the Retaliatory Act.

I am, &amp;c.,

(Signed) J. PAUNCEFOTE.

THE UNDER SECRETARY OF STATE,  
Colonial Office.

[Enclosure No. 2.]

*Sir L. West to the Marquis of Salisbury.*

[Treaty No. 53.]

WASHINGTON, April 19th, 1887.

MY LORD,—I have the honour to enclose to your Lordship herewith copies of a letter addressed by the President to the American Fisheries Union on the question of putting in force the Retaliatory Act. Your Lordship will perceive that it is only against Canadian fish that the Union seeks the exercise of the powers conferred on the President by the Act of Congress, and the article, from a Washington paper, which I annex, is a severe comment on what is called the "Gloucester Combine."

I have, &amp;c.,

(Signed) L. S. S. WEST.

The MARQUIS OF SALISBURY,  
&c. &c., &c.

[Enclosure No. 3.]

738g.

*Extract from the "Washington Republican" of April 9th, 1887.*

## THE RETALIATION BILL.

## A BROAD AND PATRIOTIC LETTER FROM THE PRESIDENT.

If it becomes necessary to enforce the law, he will do so without regard to personal or private interests.

The President having received a communication from the American Fisheries Union of Massachusetts, calling attention to the fisheries dispute, and suggesting that the Retaliatory Act passed by the late Congress, would, in their opinion, be sufficiently executed if the proposed retaliation was confined to the closing of United States' markets to Canadian fish products, he has made the following answer:

EXECUTIVE MANSION, WASHINGTON, April 7th, 1887.

*George Steele Esq., President American Fishery Union and others, Gloucester, Mass.*

GENTLEMEN,—I have received your letter lately addressed to me and have given full consideration to the expression of the views and wishes therein contained, in relation to the existing differences between the Government of Great Britain and the United States growing out of the refusal to award to our citizens engaged in fishing enterprises the privileges to which they are entitled either under treaty stipulations or the guarantees of international comity and neighbourly concession.

I sincerely trust the apprehension you express of unjust and unfriendly treatment of American fishermen lawfully found in Canadian waters will not be realized. But if such apprehension should prove to be well founded, I earnestly hope that no fault or inconsiderate action of any of our citizens will in the least weaken the just position of our Government or deprive us of the universal sympathy and support to which we should be entitled.

The action of this Administration since June, 1885, when the fishery articles of the Treaty of 1871 were terminated under the notification which had two years before been given by our Government, has been fully disclosed by the correspondence between the representatives and the appropriate departments of the respective Governments, with which I am apprised by your letter you are entirely familiar. An examination of this correspondence has doubtless satisfied you that in no case have the rights or privileges of American fishermen been overlooked or neglected, but that, on the contrary, they have been sedulously insisted upon and cared for by every means within the control of the Executive Branch of the Government.

The Act of Congress approved March 3rd. 1887, authorizing a course of retaliation through executive action in the event of a continuation on the part of the British-American authorities of unfriendly conduct and treaty violations affecting American fisherman, has devolved upon the President of the United States, exceedingly grave and solemn responsibilities comprehending highly important consequences to our national character and dignity and involving extremely valuable commercial intercourse between the British possessions in North America and the people of the United States.

I understand the main purpose of your letter is to suggest that, in case recourse to the retaliatory measures authorized by this Act should be invited by unjust treatment of our fishermen in the future the object of such retaliation might be fully accomplished by "prohibiting Canadian caught fish from entry into the ports of the United States."

The existing controversy is one in which two nations are the parties concerned. The retaliation contemplated by the Act of Congress is to be enforced not to protect solely any particular interest, however meritorious or valuable, but to maintain the national honor, and thus protect all our people.

In this view the violation of American fishery rights, and unjust or unfriendly acts towards a portion of our citizens engaged in this business is but the occasion for action, and constitutes a national affront which gives birth to, or may justify retaliation. This measure once resorted to, its effectiveness and value may well depend upon the thoroughness and extent of its application, and in the performance of international duties, the enforcement of international rights and the protection of our citizens, this Government and the people of the United States must act as a unit—all intent upon attaining the best result of retaliation upon the basis of a maintenance of national honor and duty.

A nation seeking by any means to maintain its honor, dignity and integrity is engaged in protecting the rights of its people, and if in such efforts particular interests are injured and special advantages forfeited, these things should be patriotically borne for the public good.



An immense volume of population, manufactures, and agricultural productions and the marine tonnage and railways to which these have given activity, all largely the result of intercourse between the United States and British America, and the natural growth of a full half century of good neighborhood and friendly communication from an aggregate of material wealth and incidental relations of most impressive magnitude. I fully appreciate these things and am not unmindful of the great number of our people who are concerned in such vast and diversified interests.

In the performance of the serious duty which the Congress has imposed upon me and in the exercise upon just occasion of the power conferred under the Act referred to, I shall deem myself bound to inflict no unnecessary damage or injury upon any portion of our people, but I shall nevertheless be unflinchingly guided by a sense of what the self respect and dignity of the nation demand. In the maintenance of these and in the support of the honor of the Government beneath which every citizen may repose in safety, no sacrifice of personal or private interests shall be considered as against the general welfare.

Yours very truly,

(Signed) GROVER CLEVELAND.

[Enclosure No. 4.]

[No. 738 G.] *Extract from the Washington Post, 9th April, 1887.*

THE GLOUCESTER COMBINE.

We have frequently called attention to the impudence and complacency with which a handful of fishermen in Gloucester, Mass., assume their badly smelling village to be the centre of the universe, and especially the pivot around which all national interests and thoughts and purposes should revolve. This spirit is shown in several letters of this Gloucester "combine" to the President, a fitting reply to one of which we print this morning.

The President does not indeed in so many words inform these Yankee-skippers that the word "Hub" has been applied to their chief Balliwick partly in derision and not wholly as an acknowledgment of its omnipotence, but he does tell them that their plea that retaliation should be confined to prohibiting the importation of Canadian fish is quite too narrow a view to be adopted by a good sized nation like ours.

If the retaliation law is enforced at all, in the President's option, it will not be for the purpose of putting a few more paltry dollars into the pockets of the mercenary Massachusetts mackerel hucksters and fish hook peddlers but distinctly for the purpose of so severely injuring some great commercial interest that Canada will be compelled to "come down."

Then the question arises: Would not the abolition of the mackerel tariff be the cheapest and easiest mode of settlement? That would involve nothing for we should make in cheaper food what we lost in the tariff. Would it be wiser to intercept all Canadian commerce at the boundary, lose the value of \$100,000,000 worth of trade a year, ruin cities, destroy steamboat lines, wreck great railroads and inflict incalculable loss on hundreds of thousands of traders? Shall we settle the trouble without a penny's loss to anybody by abolishing the absurd tariff on our food, or shall we plunge into an exasperating quarrel of retaliation in which both would suffer much and neither side gain anything.

Let the Yankee skipper drop his plunger, and the people of the United States buy not on'y free bait, but free fish.

No. 10.

*Sir H. Holland to Lord Lansdowne.*

[No. 120.]

DOWNING STREET, 16th May, 1887.

MY LORD,—I have the honor to transmit to your Lordship a copy of a letter received through the Foreign Office, from Mr. C. W. Hall, containing remarks on the North American Fisheries Question.

I shall be obliged if you will be so good as to communicate this letter to your Ministers with a request that they will furnish Her Majesty's Government with any observations upon it which they may desire to offer.

I have, &c.,

(Signed) H. T. HOLLAND.

Governor General,

The Most Honourable

The Marquis of LANSDOWNE.

[Enclosure No. 1.]

*Mr. Hall to Lord Salisbury.*

ELLENDALE, DAKOTA.

MY LORD,—I take the liberty of writing to you concerning the fisheries question, being an American by birth but having been for nearly thirty years interested in the shore fisheries of Prince Edward Island and Nova Scotia, about the only places where the opposing interest clash. It is not in my opinion the question of right but the method of its enforcement which makes trouble. I understand that on your own coasts the fishermen of France and Holland come wrongfully within the three mile line and that your coastguard vessel arrests and fines them therefore. Is this true?

If so, that is right, and no American who is honest and manly will object to Canada if she does the same thing with our fishermen, if they fail to observe the laws of the Dominion. But Canadian officials have again and again confiscated and sold large and fine fishing schooners worth from \$2,000 to \$4,000 with all their outfit for such petty trespass as the catching of a few fish to eat, buying a few dollars worth of bait, and the like. Is it just that such a crushing penalty, such as you mete out to a slaver, should be inflicted on innocent cruisers for a slight carelessness on the part of their employers?

Nor is this all. Our vessels go hundreds and sometimes thousands of miles along our coasts, even as far as Greenland, and we are liable to need repairs, food, medicine, ice, &c., &c. These things they cannot purchase or take on board except at the risk of confiscation, and this policy is as distasteful and more ruinous to the people of the Maritime Provinces as to Americans. I have seen 160 to 200 sail in our harbor of Prince Edward Island, each of which bought bait, barrels, salt or food or fuel, or procured and paid for repairs, &c., besides often packing and shipping their fares to the States by English packets. Hundreds of thousands of dollars were thus expended among the provincials who needed and still need this trade. Was it wise or just in Upper Canada, who has no interest in these fisheries, to ruin her own people and ports, in the hope of forcing a reciprocal free trade in grain and lumber?

I would further say that in 30 years I have never seen as many American vessels actively fishing within the three mile limit on the coast of Prince Edward Island, and our own boats seldom take fish in quantity much inside the line, and most of the time have to fish outside that limit. No vessel as a rule needs to fish within the jurisdiction of Canada but it is very easy for a crew when actively fishing to drift within the line and to do so without knowing it. In fact it will occur to you that no living man at all times can tell how far he is from shore, and I have known vessels to anchor supposing themselves to be close to shore when nearly two miles out, and on the other hand to be wrecked when they supposed they were at a safe distance out.

I think, if you will pardon the suggestion that some arrangements for license to fish not exceeding \$1.00 per registered ton, and the privilege of purchasing provisions, bait, ice, &c. and procuring repairs would be acceptable to the American Government and people. You will be told that the license system was tried, but the first year it was \$0.50 and nearly all the vessels took them out, next year it was raised to \$1.00 and again paid, the third year it was \$2.00 purposely made, so as to make it prohibitory and re-open the difficulty. My authority for the last statement is Sir George Dundas, then Her Majesty's Representative as Governor of Prince Edward Island.

I heartily desire to see this matter settled with due regard to justice, right and the good feeling and mutual esteem which should exist between England and her children. Pardon me if I have intruded on your patience or time, and believe me with due respect,

Yours truly,

(Signed)

CHARLES W. HALL.

LORD SALISBURY,  
London, England.

No. 11.

[No. 166.]

*Lord Lansdowne to Sir H. Holland.*

OTTAWA, 20th May, 1887.

SIR,—With reference to previous correspondence on the subject of the alleged ill-treatment of the United States' fishing vessels "Laura Sayward" and "Jeannie Seaverns," and with especial reference to the affidavit purporting to have been sworn to by Captain Medeo Rose

*Vide Correspondence,*  
1885-87, page 172.

of the first named vessel, copy of which formed an enclosure in Mr. Stanhope's despatch No. 274 of the 16th December last; I have the honor to forward herewith a certified copy of an approved Minute of my Privy Council, 16th May, 1887, to which is appended a letter from the Collector of Customs at Shelburne enclosing a declaration made by Captain Rose in which he states that the statements alleged to have been made by him in that affidavit "are all untrue."

I have, &c.

(Signed) LANSDOWNE.

The Right Honorable  
Sir H. Holland,  
&c., &c.

[No. 997.]

[Enclosure No. 1.]

**CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council for Canada, approved by His Excellency the Governor General in Council on the 16th May, 1887.**

On a Report dated 10th May, 1887, from the Minister of Marine and Fisheries, submitting with reference to his Report approved in Council on the 23rd of March last, as to the alleged ill-treatment of the United States' fishing vessels "Laura Sayward" and "Jeannie Seaverns," and to the affidavit of Captain Medeo Rose of the first named vessel, the  
*Vide Correspondence* 1886-87, page 174. copy of a letter from the collector of customs at Shelburne, Nova Scotia, dated 20th ultimo, together with an affidavit from Captain Rose, herewith, in which it will be observed that he not only bears testimony to the generous treatment that had been extended to him when at the port of Shelburne on previous occasions, but also declares that the statements made in the affidavit of the 13th October last, purporting to be sworn to by him and which affidavit formed the basis of a Despatch from Mr. Bayard, the United States' Secretary of State, protesting against the inhuman and inhospitable conduct of the collector of customs at Shelburne, Nova Scotia, to use Captain Rose's own words "are all untrue."

The Committee recommend that Your Excellency be moved to forward a copy of this Minute together with copies of the papers mentioned to the Right Honorable the Secretary of State for the Colonies.

All of which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE,  
Clerk, Privy Council.

[Enclosure No. 2.]

CUSTOM HOUSE, SHELBURNE, 20th April, 1887.

SIR,—With reference to my letter of 5th January last, and a statement made by Medeo Rose, of schooner "Laura Sayward," a copy of which was sent me from  
*Vide Correspondence* 1886-87, page 235. your Department for my report thereon, I beg to state that Captain Rose with his vessel is now lying off Sandy Point. He reported and obtained clearance yesterday on board Dominion cutter "Triumph." On being questioned by Captain Lowry relative to the statement made in October last, he said that much of it was untrue and denied having made them. Enclosed please find a statement signed by Captain Rose in my presence at Sandy Point, sworn to and witnessed by Captain John Purney, J. P. He made no objection at all to signing it and admits that this statement is true in every particular. Will you kindly have it forwarded to John Tilton Esq., Deputy Minister of Fisheries.

I am, &c.,  
(Signed) W. W. ATWOOD,  
Collector.

J. JOHNSON,  
Commissioner of Customs,  
Ottawa.

[Enclosure No. 3.]

I, Medeo Rose, Master of the schooner "Laura Sayward," of Gloucester, do solemnly declare and say, that on the 6th October last, I arrived at the port of Shelburne, Nova Scotia, and reported my vessel at the Custom house sometime after 4 p.m.

Stated to the Collector that I was from Western Banks, bound home and required provisions as follows, viz:—7 lbs. sugar, 3 lbs. coffee, 1 bushel of potatoes, 2 lbs. butter and to fill water. This was all. The Collector told me to fill the water, but as there was no provision made in the Treaty for the purchase of supplies or stores, he would telegraph the Department at Ottawa at once; that no doubt they would be allowed, and I consented to wait until the next morning for a reply.

I called at the Custom house early the next morning before 7 o'clock. Stated that as the wind was fair and blowing a strong breeze I would not wait for a reply to telegram, but take a clearance, which the Collector gave me. I was treated kindly, allowed to enter my vessel after Customs' hours and a clearance granted me next morning before the office was supposed to be open. I was at the port again in November on my way to the Banks and the Collector allowed me to report my vessel inwards and outwards and gave me a clearance at 8 in the evening. The statements purporting to have been made by me to the effect that the Collector refused to give me my papers when I asked for them, also that his treatment towards me was harsh and cruel, driving myself and crew to sea having but little flour and water &c., are all untrue.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of an Act of Parliament, entitled: An "Act for the suppression of voluntary and extra-judicial oaths."

Taken and declared before me at Sandy Point, this 20th day of April, A.D. 1887.

(Signed)

MEDEO ROSE.

(Signed)

JOHN PURNEY,  
J. P.

No. 12.

*Mr. Bayard to Sir C. Tupper.*

WASHINGTON, D.C., 31st May, 1887.

MY DEAR SIR CHARLES,—The delay in writing you has been unavoidable. In the very short interview afforded by your visit I referred to the embarrassment arising out of the gradual practical emancipation of Canada from the control of the Mother Country, and the consequent assumption by that community of attributes of an autonomous and separate sovereignty, not however distinct from the Empire of Great Britain.

The awkwardness of this imperfectly developed sovereignty is felt most strongly by the United States, which cannot have formal treaty relations with Canada, except indirectly, and as a Colonial dependency of the British Crown; and nothing could better illustrate the embarrassment arising from this amorphous condition of things than the volumes of correspondence published severally this year, relating to the Fisheries by the United States, Great Britain and the Government of the Dominion.

The time lost in this circumlocution, although often most regrettable, was the least part of the difficulty, and the indirectness of appeal and reply was the most serious feature, ending as it did, very unsatisfactorily.

It is evident that the commercial intercourse between the inhabitants of Canada and those of the United States have grown into too vast proportions to be exposed much longer to this wordy triangular duel, and more direct and responsible methods should be resorted to.

Your own able, earnest and patriotic services in the Government and Parliament of the Dominion are well known and afford ample proof of your comprehension of the resources, rapidly increasing interests, and needs of British North America.

On the other hand I believe I am animated by an equal desire to serve my own country and trust to do it worthily.

The immediate difficulty to be settled is found in the Treaty of 1818, between the United States and Great Britain, which has been *vexata quæstio* ever since it was concluded, and to-day is suffered to interfere with and seriously embarrass the good understanding of both countries in the important commercial relations and interests, which have come into being since its ratification, and for the adjustment of which it is wholly inadequate, as has been unhappily proved by the events of the past two years.

I am confident we both seek to attain a just and permanent settlement—and there is but one way to procure it—and that is by a straightforward treatment on a liberal and statesmanlike plan of the entire commercial relations of the two countries.

I say commercial relations because I do not propose to include however indirectly or by any intendment however partial or oblique, the political relations of Canada and the United States, nor to affect the legislative independence of either country.

When you were here I was prepared to send my reply to the "observations" upon my proposal for a settlement of 15th November last, which were communicated to Mr. Phelps by Lord Salisbury on 24th March, and also to express my views of His Lordship's alternative proposition.

Your visit and invitation to negotiate here was entirely welcome and of this I endeavored to impress you.

Conversation with the President has confirmed these views, and now it remains to give them practical effect.

Great Britain being the only treaty-making party to deal with the United States, the envoys of that Government alone are authorized to speak in her behalf and create her obligations.

I presume you will be personally constituted a Plenipotentiary of Great Britain to arrange here with whomsoever may be selected to represent the United States terms of arrangement for a *modus vivendi* to meet present emergencies and also a permanent plan to avoid all future disputes.

It appears to me that as matters now stand the colony of Newfoundland ought to be represented and included, for a single arrangement should suffice to regulate all the joint and several interests involved.

I should therefore be informed speedily through the proper channel as to the authorization and appointment by the Imperial Government of such representatives.

The gravity of the present condition of affairs between our two countries demands entire frankness.

I feel we stand at "the parting of the ways." In one direction I can see a well assured, steady, healthful relationship, devoid of petty jealousies and filled with the fruits of a prosperity arising out of a friendship cemented by mutual interests, and enduring because based upon justice;—on the other, a career of embittered rivalries, staining our long frontier with the hues of hostility, in which victory means the destruction of an adjacent prosperity without gain to the prevalent party—a mutual, physical and moral deterioration which ought to be abhorrent to patriots on both sides, and which I am sure no two men will exert themselves more to prevent, than the parties to this unofficial correspondence.

As an intelligent observer of the current of popular sentiment in the United States you cannot have failed to note that the disputed interpretation of the Treaty of 1818 and the action of the Canadian officials towards American fishing vessels during the past season have awakened a great deal of feeling.

It behoves those who are charged with the safe conduct of the honor and interests of the respective countries by every means in their power sedulously to remove all causes of difference.

The roundabout manner in which the correspondence on the Fisheries has been necessarily (perhaps) conducted, has brought us into the new fishing season and the period of possible friction is at hand, and this admonishes us that prompt action is needed.

I am prepared, therefore, to meet the authorized agents of Great Britain at this Capital at the earliest possible day and enter upon negotiations for a settlement of all differences.

The magnitude of the interests involved, and the far reaching and disastrous consequences of any irritating and unfriendly action will I trust present themselves to those in whose jurisdiction the fisheries lie and cause a wise abstention from vexatious enforcement of disputed powers.

Awaiting your reply,

I am, &c.,

(Signed) T. F. BAYARD.

Sir CHARLES TUPPER,  
Ottawa.

[Enclosure No. 1.]

*Sir Charles Tupper to Mr. Bayard.*

OTTAWA, June, 1887.

MY DEAR MR. BAYARD,—I had great pleasure in receiving your letter of 31st May evincing as it does the importance which you attach to an amicable adjustment of the fisheries question, and the maintenance of the cordial relations between the United States and Canada under which such vast and mutually beneficial interests have grown up.

I entirely concur in your statement that "we both seek to attain a just and permanent settlement and that there is but one way to procure it, and that is by a straightforward treatment on a liberal and statesmanlike plan of the entire commercial relations of the two countries."

I note particularly your suggestion that as the interests of Canada are so immediately concerned Her Majesty's Government should be invited to depute a Canadian statesman to negotiate with you "a *modus vivendi* to meet present emergencies, and also a permanent plan to avoid all disputes," and I feel no doubt that a negotiation thus undertaken would greatly increase the prospects of a satisfactory solution.

I say this not because I believe that there has been any disposition on the part of the British Government to postpone Canadian interests to its own or to retard by needless delay a settlement desired by and advantageous to the people of Canada and of the United States, but because I have no doubt that direct personal communications will save valuable time and render each side better able to comprehend the needs and the position of the other.

I feel greatly flattered by your kind personal allusion to myself.

The selection of the persons who might be deputed to act as commissioners would, however, as you are aware, rest with Her Majesty's Government. Our experience has been to the effect that the selection has, in such cases as far as it concerned the choice of the representatives of the Dominion, been made with careful regard to public feeling in this country.

I have thought it my duty, and also the most effectual manner of giving effect to your suggestion, to make known to Lord Lansdowne the purport of my correspondence with you. He is strongly desirous of facilitating a settlement and will at once bring the matter before the Secretary of State with an expression of his hope that no time will be lost in taking steps for establishing, by means of personal communication with your Government, a *modus vivendi* such as you have described, and also for arriving at an understanding in regard to a lasting adjustment of our commercial relations.

In the hope that your proposal for the settlement of this vexed question may result at an early day in a solution satisfactory and beneficial to both countries,

I remain, &c.,

(Sd.) CHARLES TUPPER.

## No. 13.

*Lord Lansdowne to Sir H. Holland.*

OTTAWA, 14th June, 1887.

[No. 223.]

SIR,—In reply to your despatch No. 97 of the 30th April last, transmitting for communication to my Ministers, for any observations they might have to offer, a copy of a letter from the Foreign Office forwarding a despatch from Her Majesty's Minister at Washington in regard to a report that the Canadian cruiser "Vigilant" had fired a blank shot at an American fishing vessel within the three-mile limit. I have the honor to forward herewith a certified copy of a report of a Committee of the Privy Council of Canada, 8th June, 1887, to which is appended the statement of the captain of the "Vigilant" regarding the occurrence in question.

I have, &amp;c.,

(Signed) LANSDOWNE.

The Right Hon. Sir H. HOLLAND,  
&c., &c., &c.

[Enclosure No. 1.]

[No. 742g.]

**CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 8th of June, 1887.**

The Committee of the Privy Council have had under consideration a despatch dated 30th April, 1887, from Sir Henry Holland, transmitting to Your Excellency for communication to your Ministers, for any observations which they may have to offer, a copy of a letter from the Foreign Office forwarding a despatch from Her Majesty's Minister at Washington, in regard to a report that the Canadian cruiser "Vigilant" fired a blank shot at an American fishing vessel within the three mile limit.

The Minister of Marine and Fisheries, to whom the despatch was referred, submits herewith the statement of the Captain of the "Vigilant" regarding the occurrence in question.

The Minister observes that it appears that the Captain of the "Vigilant," observing a United States' fishing vessel hovering in Canadian waters, and apparently overhauling the nets of the shore fishermen, displayed his proper colors and sailed up with the intention of boarding her.

That the United States' vessel paid no attention to the cutter, but made sail for American waters, upon seeing which Captain McLean fired a blank shot as a signal in order to bring her to; of which, however, as will be observed from Captain McLean's report, the vessel took no notice.

The Minister is of the opinion that Captain McLean, in acting as he did, was within the scope of his duty.

The Committee recommend that Your Excellency be moved to transmit a copy of this Minute, together with a copy of Captain McLean's statement, to the Right Honorable the Secretary of State for the Colonies.

All which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. MCGEE,  
Clerk of the Privy Council.

[Enclosure No. 2.]

ST. ANDREWS, N.B., 17th April, 1887.

SIR,—In answer to your telegraphic message in relation to officers of "Vigilant" having fired ball shot on an American fisherman in what they term Beaver Bay, I can only state that the report is false. On the morning of the 1st instant, we were cruising among the fishing

fleet off Beaver Harbor, and we saw in the distance a schooner hovering about among the fleet and overhauling their nets. The vessel had the appearance of an American fishing vessel and we thought they were looking for bait. I immediately gave chase intending to board the schooner and see if they had been getting bait or what the vessel had been doing in British waters. On the said vessel seeing us coming toward her she immediately made sail and went toward East Quoddy River. I followed the vessel for a short time (our proper flags were flying), and finding that the schooner did not heave to we fired a blank shot as a signal for the vessel to heave to. However, she did not do so but proceeded towards Eastport. We then hauled up and did not pursue further. These are the facts of the case as they occurred.

I could have overtaken the vessel if I had a longer distance to run but the schooner was so near the American waters I allowed her to proceed.

Trusting this explanation will suffice.

I remain, &c.,

Your most obedient servant,

(Signed) JAMES McLEAN,  
Master Cruiser "Vigilant."

To JOHN TILTON, Esq.,  
Deputy Minister of Fisheries,  
Ottawa.

No. 14.

*Lord Lansdowne to Sir H. Holland.*

OTTAWA, 14th June, 1887.

[No. 224.]

SIR,—With reference to your despatch No. 91 of the 27th April last, on the subject of the alleged refusal of the authorities at Halifax to permit American fishing vessels (driven into that port to repair damages) to replace salt lost in a storm, I have the honor to transmit herewith certified copy of a Minute of the Privy Council of Canada, 8th June, 1887, to which are appended copies of the telegrams received and sent on the subject referred to.

I have, &c.,

(Signed) LANSDOWNE.

The Right Hon.

Sir H. HOLLAND, &c., &c., &c.

[Enclosure No. 1.]

[No. 729g.]

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 8th June, 1887.*

The Committee of the Privy Council have had under consideration a despatch dated 27th April, 1887, from Sir Henry Holland, transmitting a copy of a letter from the Foreign Office, enclosing copy of a telegram left with the Marquis of Salisbury by the American Minister relative to the alleged refusal of the authorities at Halifax to permit American fishing vessels (driven into that port to repair damages) to replace salt lost in a storm.

The Minister of Marine and Fisheries to whom the matter was referred, submits copies of the telegrams which were received and sent on the subject referred to.

The Minister submits further that every right to which the vessel in question was entitled, was promptly granted. Free access was allowed the privileges of the port, and all needful facilities were accorded for repairs and for replacing by purchase or otherwise any portion of the vessel, tackle, boats or other appurtenances thereof which had been lost or



damaged in the storm. In attempting to bring within their Treaty rights the purchase of twenty hogheads of salt (even though it was to replace salt alleged to have been lost) United States' fishermen seek to establish an interpretation of the Convention of 1818, incompatible with its terms, as fishery supplies are not among the purposes for which they have a right to enter Canadian ports.

The Committee recommend that Your Excellency be moved to transmit a copy of this Minute to the Right Honorable the Secretary of the State for the Colonies.

All which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. MCGEE,  
*Clerk of the Privy Council.*

[Enclosure No. 2.]

*Copies of Telegrams received and Answers sent.*

HALIFAX, N. S., 19th April, 1887.

American fishing vessel while on the banks lost rudder, spars and 20 hogheads of salt is now in the port for repairs. Collector will permit all repairs but that of salt; fishing materials, which include salt, gave this vessel the distinctive character of fishing vessel and place her within the purview of the treaty under which she is entitled to privilege of repairing damages to any and everything necessary to the proper equipment of a fishing vessel. Will you permit her to repair damages to salt to enable her to complete her voyage.

(Signed) M. H. PHELAN.

*Answer.*

OTTAWA, 20th April, 1887.

Purchase of salt is not one of the purposes for which United States' fishing vessels can use our waters.

To M. H. PHELAN, Esq.,

U. S. Consul, Halifax, N. S.

(Signed) M. BOWELL.

No. 15.

*Sir H. T. Holland to Lord Lansdowne.*

DOWNING STREET, 6th August, 1887.

[No. 265.]

MY LORD,—With reference to your Lordship's despatch, No. 166 of the 20th of May last, I have the honor to transmit to you for communication to your No. 11 Government, a copy of a despatch, No. 68, 20th July, 1887, received through the Foreign Office from Her Majesty's Minister at Washington, relating to the case of the United States' fishing schooner "Laura Sayward."

I have, &c.,

Governor General

The Most Honourable

THE MARQUIS OF LANSDOWNE, G.C.M.G.,

&c., &c., &c.

(Signed.) H. T. HOLLAND.

[Enclosure No. 1]

*Sir L. S. West to Lord Salisbury.*

WASHINGTON, 20th July, 1887.

[Treaty No. 68.]

MR LORD,—I have the honor to acknowledge the receipt of your Lordship's despatch No. 33 of this series of the 30th ultimo, and to enclose herewith copy of a note 18th inst. which I addressed to the Secretary of State communicating to him, as instructed by your Lordship, copy of the despatch from the Governor General of Canada enclosed therein on the subject of the alleged ill-treatment of the United States' fishing vessel "Laura Sayward," and I now have the honor to enclose copy of the reply thereto stating that investigation will be made into the matter.

I have, &amp;c.,

(Signed) L. S. SACKVILLE WEST.

The MARQUIS OF SALISBURY, K.G.,  
&c., &c., &c.

[Enclosure No. 2]

*Sir L. S. West to Mr. Bayard.*

WASHINGTON, 18 July, 1887.

SIR,—In your note of the 11th of November last, enclosing copies of the statements with affidavits from Captain Medeo Rose, master of the schooner "Laura Sayward," of Gloucester, Mass., you state that these papers impressively describe the "inhospitable and inhuman conduct of the Collector of the Port of Shelburne, N. S., in refusing to allow Captain Rose to buy sufficient food for himself and crew to take them home besides unnecessarily retaining his papers and thus preventing him with a wholly inadequate supply of provisions from proceeding on his homeward voyage." This note I observe, appears in the papers relating to the foreign relations of the United States transmitted to Congress with the President's message (1886, No. 231, page 425).

I have now the honor to inform you that I am instructed by the Marquis of Salisbury to communicate to you the enclosed copy of a despatch from the Governor General of Canada, together with copy of an approved minute of the Privy Council to which is appended a letter from the Collector of Customs at Shelburne, enclosing a declaration made by Captain Rose, in which he states that the statements made by him in the affidavit alluded to in your above mentioned note are all untrue.

In communicating these papers to you I am further instructed to ask whether the United States' Government have any observations to make thereupon.

I have, &amp;c.,

(Signed) L. WEST.

The Hon. T. F. BAYARD.  
&c., &c., &c.

[Enclosure No. 3.]

*Mr. Bayard to Sir L. S. West.*

DEPARTMENT OF STATE, WASHINGTON, 19th July, 1887.

SIR,—I have the honor to acknowledge your note dated yesterday and received to-day, enclosing a copy of the declaration of Captain Medeo Rose, master of the schooner "Laura Sayward," of Gloucester, Mass., made on 20th April last, at Sandy Point, before a Justice of the Peace, apparently in contradiction of the statement made by the same party under oath on 12th October last.

This document will be instantly made the subject of investigation, and the observations of this Government thereon, as suggested by your note, will be communicated to you as soon

as information on the matter shall have been received from the Collector of Customs at Gloucester, through whom the original affidavits of Captain Rose were forwarded to this department.

Sir L. S. WEST,  
&c, &c.

I have, &c.,

(Signed) T. F. BAYARD.

No. 16.

*The Marquis of Lansdowne to Sir H. T. Holland.*

[No. 316.]

NEW DERREEN, NEW RICHMOND, 8th August, 1887.

SIR,—I have the honor to forward copy of a report which has been received in the Department of Fisheries upon the recent seizure, off East Point, of boats and nets belonging to the United States' schooners "Argonaut" and "Col. J. H. French" by Captain McLaren of the Canadian cruiser "Critic," also copy of a further report of Captain Knowlton of the Canadian cruiser "Advance" of his detention of the United States' schooner "Annie S. Hodgson" at Shelburne.

You will observe that in the former case the boats seized were, beyond all question, engaged in fishing within the three-mile limit.

The "Annie S. Hodgson" has since been released upon deposit of the usual fine of \$400 for breach of the Customs law.

I have, &c,

(Signed) LANSDOWNE.

[Enclosure No. 1.]

SOURIS, P.E.I., 25th July, 1887.

SIR,—It is my duty to inform you that, on yesterday, Sunday, 24th of July, I seized the seining boat and seine of the Gloucester, U.S., seiner "Argonaut," also the seining boat and seine of the Gloucester, U.S., seiner "Col. J. H. French." The facts of the seizure are as follows:—

8 a.m. Northward of East Point. Weighed anchor and followed the fleet (about 60 in number) round to the southward of the Point, the fleet keeping between four and five miles off shore. About 10 a.m., the fleet being off shore, came to an anchor. About noon, noticing that some of the vessels were working inshore, weighed anchor and stood off; when cruising off noticed that four seine boats with seines out were inside the three-mile limit. Bore down for them and found that two were Canadian and the other two United States' boats belonging to the seiners "Argonaut" and "Col. J. H. French," both of Gloucester. I took the latter two boats in tow, but was unable to seize the schooners, as they, on seeing us bear down on the boats, had sailed off among the fleet.

Immediately on seizing the above mentioned boats, I took cross bearings as follows:—East Point lighthouse bearing N.E.  $\frac{1}{2}$  N. and Basin Head bearing W.  $\frac{1}{2}$  S. Sounded and found nine fathoms of water, also buoyed the spot, leaving the small boat with a man in her to watch the buoy. After getting the seine boats rightly in tow, and the crews on board, sailed for the purpose of measuring the distance with the "taffrail log," inshore towards the nearest land, and when in three fathoms of water, and judging myself to be about half a mile off, tacked and stood off for the buoy. I found the distance from the nearest land to the buoy to be one and three-quarter miles, so that giving them the benefits of all doubt the boats were inside of two miles from the nearest land.

I am, Sir,

Your obedient servant,

(Signed.) W. McLAREN,  
Master Govt. cruiser "Critic."

JOHN TILTON, Esq.,  
Deputy Minister of Fisheries,  
Ottawa.

We the undersigned certify that the above statement, which has been read to us, is true in every particular.

(Signed)  
do  
do  
do  
66

JOHN GRAHAM, 1st Officer,  
GEO. CRAWFORD, Boatswain.  
NEIL KENNEDY, A. B.,

[Enclosure No. 2.]

HALIFAX, 28th July, 1887.

SIR,—We arrived here to-day on our way to North Bay. Our port is Escuminac, N.B.; cruising ground, North Point, P.E.I., and Miramichi Bay. Will sail 29th. I wired you that I detained the American fishing schooner "Annie W. Hodgson." I sent seizure form; did not write particulars, which I should have done; I will now give particulars. The Schooner entered Shelburne Harbor 24th, during fog, and I always take my boat and cruise down the Harbor during foggy weather. I left the cruiser about 8.30 a.m, after which the fog cleared. I sighted the vessel about one and one-half or two miles from Roseway Light *inside*, when, the Schooner seeing my boat approaching, got under way, but the wind being light I soon overtook him, brought him back to Shelburne and handed him over to the Collector of Customs.

I had been informed when the Schooner was in the week before, that he wanted bait, I only detained him for not reporting; I feel I had good reason to detain him, and will always do my duty as far as possible.

Your obedient servant,

(Signed)

C. T. KNOWLTON,

*Cruiser "Advance."*

JOHN TILTON, Esq.,  
Deputy Minister of Fisheries,  
Ottawa.

(Enclosure No. 3.)

## FISHERIES PROTECTION SERVICE.

GOVERNMENT SCHOONER "ADVANCE" at Shelburne, 25th July, 1887.

SIR,—It is my duty to inform you that I have this day seized the American Schooner named the "Annie W. Hodgson," for violation of the Statutes in force in Canada, relating to Foreign fishing vessels. Attempting to leave port without reporting.

The "Annie W. Hodgson" will, of course, be held for any other offence which may have been committed by those in charge of her against the laws of the Dominion of Canada, and which warrant her detention.

I am, Sir,

Your obedient servant,

(Signed)

C. T. KNOWLTON,

*Government Cruiser, "Advance."*

To JOHN TILTON, Esq.,  
Deputy Minister of Fisheries.

No. 17.

*Mr. Phelps to the Marquis of Salisbury. (Received August 6th).*

LONDON, 3rd August, 1887.

MY LORD,—I have the honor to transmit herewith a communication from the Secretary of State of the United States, containing observations in reply to those of your Lordship on the proposal for an *ad interim* arrangement in respect to the Canadian fisheries.

I have, &amp;c.,

(Signed) E. J. PHELPS.

## [Enclosure No. 1.]

*Fisheries Arrangement proposed by the United States with "Observations" of the British Government and Reply of Government of United States.**Ad interim arrangement proposed by the United States' Government.**Observations on Mr. Bayard's Memorandum.**Reply to "Observations on Proposal."*

## ARTICLE I.

Whereas in the 1st article of the Convention between the United States and Great Britain, concluded and signed in London on the 20th October, 1818, it was agreed between the High Contracting Parties "that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portions so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground;" and was declared that "the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry or cure fish on or within three marine miles of any of the coasts, bays, creeks or harbors of His Britannic Majesty's Dominions in America not included within the above mentioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and obtaining water, and for no other purpose whatever. But they shall be under such res-

The most important departure in this Article from the Protocol of 1866 is the interpolation of the stipulation "that the bays and harbors from which American vessels are in future to be excluded, save for the purposes for which entrances into bays and harbors is permitted by said Article, are hereby agreed to be taken to be such harbors as are ten, or less than ten, miles in width, and the distance of three marine miles from such bays and harbors shall be measured from a straight line drawn across the bay or harbor in the part nearest the entrance at the first point where the width does not exceed ten miles."

This provision would involve a surrender of fishing rights which have always been regarded as the exclusive property of Canada, and would make common fishing grounds of the territorial waters which, by the law of nations, have been invariably regarded, both in Great Britain and the United States, as belonging to the adjacent country. In the case, for instance, of the Baie des Chaleurs, a peculiarly well-marked and almost land-locked indentation of the Canadian coast, the ten-mile line would be drawn from points in the heart of Canadian territory, and almost seventy miles distant from the natural entrance or mouth of the bay. This would be done in spite of the fact that, both by Imperial legislation and by judicial interpretation, this bay has been declared to form a part of the territory of Canada. (See Imperial Statute, 14 and 15 Vic., cap. 63; and *Mowat vs. McPhee*, 5, Superior Court of Canada Reports, page 66.)

The Convention with France in 1839, and similar Conventions with other European Powers, form no precedents for the adoption of a ten mile limit. Those Conventions were, doubtless, passed with a view to the geographical peculiarities of the coast to which they related. They had for their object the definition of the boundary lines, which, owing to the configura-

## ARTICLE I.

A prior agreement between the two Governments as to the proper definition of the "bays and harbors" from which American fishermen are hereafter to be excluded would not only facilitate the labors of the proposed Commission by materially assisting it in defining such bays and harbors, but would give to its action a finality that could not otherwise be expected. The width of ten miles was proposed not only because it had been followed in Conventions between many other Powers, but also because it was deemed reasonable and just in the present case; this Government recognizing the fact that, while it might have claimed a width of six miles as a basis of settlement, fishing within bays and harbors only slightly wider would be confined to areas so narrow as to render it practically valueless, and almost necessarily expose the fishermen to constant danger of carrying their operations into forbidden waters. A width of more than ten miles would give room for safe fishing more than three miles from either shore, and thus prevent the constant disputes which this Government's proposal following the Conventions above noticed, was designed to avert.

It was not known to involve the surrender of rights "which had always been regarded as the exclusive property of Canada," or to "make common fishing ground of territorial waters, which, by the law of nations, have been invariably regarded, both in Great Britain and the United States, as belonging to the adjacent country."

The case of the Baie des Chaleurs, the only case cited in this relation, does not appear to sustain the "Observations" above quoted. From 1854 until 1866, American fishermen were permitted free access to all territorial waters of the provinces under Treaty stipulations. From 1866 until 1870 they enjoyed similar access under special licenses issued by the Canadian Government. In 1870, the license system was discontinued, and under date the 14th May of that year, a draft of special instructions to officers in command

*Ad interim arrangement proposed by the United States' Government.*

trictions as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them"; and whereas differences have arisen in regard to the extent of the above-mentioned renunciation, the Government of the United States and Her Majesty the Queen of Great Britain, being equally desirous of avoiding further misunderstanding, agree to appoint a mixed commission for the following purposes, namely:—

1. To agree upon and establish, by a series of lines, the limits which shall separate the exclusive from the common right of fishing on the coast and in the adjacent waters of the British North American Colonies, in conformity with the first article of the Convention of 1818, except that the bays and harbors from which American fishermen are in the future to be excluded, save for the purposes for which entrance into the bays and harbors is permitted by said Article, are hereby agreed to be taken to be such bays and harbors as are ten, or less than ten, miles in width, and the distance of three marine miles from such bays and harbors shall be measured from a straight line drawn across the bay or harbor, in the part nearest the entrance, at the first point where the width does not exceed ten miles, the said lines to be regularly numbered, duly described, and also clearly marked on charts prepared in duplicate for the purpose.

2. To agree upon and establish such regulations as may be necessary and proper to secure to the fishermen of the United States the privilege of entering bays and harbors for the purpose of shelter and repairing damages therein, of purchasing wood, and obtaining water, and to agree upon and establish such restrictions as may be necessary to prevent the abuse of the privilege reserved by said Convention to the fishermen of the United States.

3. To agree upon and recommend the penalties to be adjudged, and such proceedings and jurisdiction as may be necessary to secure a speedy trial and judgment, with as little expense as possible, for the violators of the rights and the transgressors of the limits and restrictions which may be hereby adopted.

Provided, however, that the limits, restrictions and regulations which may be agreed upon by the said Commission shall not be final,

*Observations on Mr. Bayard's Memorandum.*

tion of the coast, perhaps could not readily be settled by reference to the law of nations, and involve other conditions which are inapplicable to the territorial waters of Canada.

This is shown by the fact that in the French Convention the whole of the oyster-beds in Granville Bay, otherwise called the Bay of Cancale, the entrance of which exceeds ten miles in width, were regarded as French, and the enjoyment of them is reserved to the local fishermen.

A reference to the action of the United States' Government and to the admission made by their statesmen in regard to bays on the American coasts, strengthens this view; and the case of the English ship "Grange" shows that the Government of the United States, in 1793, claimed Delaware Bay as being within territorial waters.

Mr. Bayard contends that the rule which he asks to have set up was adopted by the Umpire of the Commission appointed under the Convention of 1853, in the case of the United States' fishing schooner "Washington," that it was by him applied to the Bay of Fundy, and that it is for this reason applicable to other Canadian bays.

It is submitted, however, that as one of the headlands of the Bay of Fundy is in the territory of the United States, any rules of international law applicable to that bay are not therefore equally applicable to other bays the headlands of which are both within the territory of the same Power.

The second paragraph of the first Article does not incorporate the exact language of the Convention of 1818. For instance, the words "and for no other purpose whatever," should be inserted after the mention of the purposes for which vessels may enter Canadian waters, and after the words "as may be necessary to prevent," should be inserted "their taking, drying or curing fish therein, or in any other manner abusing the privileges reserved," &c.

To make the language conform correctly to the Convention of 1818, several other verbal alterations, which need not be enumerated here, would be necessary.

*Reply to "Observations on Proposal."*

of the marine police, to protect the inshore fisheries, was submitted by Mr. P. Mitchell, Minister of Marine and Fisheries of the Dominion, to the Privy Council, and on the same day was approved. In that draft the width of ten miles, as now proposed by this Government, was laid down as the definition of the bays and harbors from which American fishermen were to be excluded; and in respect to the Baie des Chaleurs, it was directed that the officers mentioned should not admit American fishermen "inside of a line drawn across at that part of such bay where its width does not exceed ten miles." (See Sess. Pap., 1870; see also Appendix A to this Memorandum.) It is true that it was stated that these limits were "for the present to be exceptional." But they are irreconcilable with the supposition that the present proposal of this Government "would involve a surrender of fishing rights which have always been regarded as the exclusive property of Canada."

It is, however, to be observed, that the instructions above referred to were not enforced, but were, at the request of Her Majesty's Government, amended, by confining the exercise of police jurisdiction to a distance of three miles from the coasts or from bays less than six miles in width. And in respect to the Baie des Chaleurs, it was ordered that American fishermen should not be interfered with unless they were found within three miles of the shore. (Sess. Pap., vol. iv, No. 4, 1871; see also Appendix B.)

The final instructions of 1870 being thus approved and adopted, were reiterated by their reissue in 1871. Such was the condition of things from the discontinuance of the Canadian license system in 1870, until, by the Treaty of Washington, American fishermen again had access to the inshore fisheries.

As to the Statute cited (14 and 15 Vic., chap. 83, 7th August, 1851), it is only necessary to say that it can have no relevance to the present discussion, because it related exclusively to the settlement of disputed boundaries between the two British provinces of Canada and New Brunswick; and had no international aspect whatever; and the same may be said of the case cited, which was wholly domestic in its nature.

Excepting the Baie des Chaleurs, no case is adduced to show why the limit adopted in the Conventions regulating the fisheries

*Ad interim arrangement proposed by the United States' Government.*

ner have any effect, until so jointly confirmed and declared by the United States and Her Majesty the Queen of Great Britain, either by treaty or by laws mutually acknowledged.

*Observations on Mr. Bayard's Memorandum.**Reply to "Observations on Proposition."*

in the British Channel and in the North Sea would not be equally applicable to the provinces. The coasts bordering on those waters contain numerous "bays" more than ten miles wide, and no other condition has been suggested to make the limit established by Great Britain and other Powers as to those coasts "inapplicable" to the coasts of Canada.

The exception referred to (of the oyster-beds in Granville Bay) from the ten-mile rule in the Conventions of 1839 and 1843, between Great Britain and France, is found upon examination of the latter Convention, to be "established upon special principles"; and it is believed that the area of waters so excepted is scarcely twelve by nineteen miles. In this relation it may be instructive to note the terms of the Memorandum proposed for the Foreign Office in 1870 with reference to a Commission to settle the fishing limits on the coast of British North America. (Sess. Pap., 1871; see also Appendix C.)

The Baie des Chaleurs is sixteen and one quarter miles wide at the mouth, measured from Birch Point to Point Macquereau; contains within its limits several other well defined bays, distinguished by their respective names, and, according to the "Observations" a distance of almost seventy miles inward may be traversed before reaching the ten-mile line.

The Delaware Bay is eleven and one quarter miles wide at the mouth, thirty-two miles from which it narrows into the river of that name and has always been held to be territorial waters before and since the case of the "Grange" (an international case) in 1793, down to the present time.

In delivering judgment in the case of the "Washington," the Umpire considered the headland theory, and pronounced it "new doctrine." He noted among other facts, that one of the headlands of the Bay of Fundy was in the United States, but did not place his decision on that ground. And immediately in the next case, that of the "Argus," heard by him and decided on the same day, he wholly discarded the headland theory, and made an award in favor of the owners. The "Argus" was seized, not in the Bay of Fundy, but because (although more than three miles from land) she was found fishing within a line drawn from headland to headland, from Cow Bay to Cape

*Ad interim arrangement proposed by the United States' Government.*

*Observations on Mr. Bayard's Memorandum.*

*Reply to "Observations on Proposal."*

North, on the North-east side of Cape Breton Island.

The language of the Convention of 1818 was not fully incorporated in the second paragraph of the first Article of the Proposal, because that paragraph relates to Regulations for the secure enjoyment of certain privileges expressly reserved. The words "and for no other purpose whatever," would in this relation be surplusage. The restrictions to prevent the abuse of the privileges referred to would necessarily be such as to prevent the "taking, drying or curing" of fish. For these reasons the words referred to were not inserted, nor is the usefulness of their insertion apparent.

#### ARTICLE II.

Pending a definitive arrangement on the subject, Her Britannic Majesty's Government agree to instruct the proper Colonial and other British Officers to abstain from seizing or molesting fishing vessels of the United States unless they are found within three marine miles of any coasts, bays, creeks and harbors of Her Britannic Majesty's dominions in America, there fishing or to have been fishing or preparing to fish within those limits, not included within the limits within which under the Treaty of 1818, the fishermen of the United States continue to retain a common right of fishery with Her Britannic Majesty's subjects.

This Article would suspend the operation of the Statutes of Great Britain and of Canada and of the provinces now constituting Canada, not only as to the various offences connected with fishing, but as to Customs, harbors and shipping, and would give to the fishing vessels of the United States privileges in Canadian ports which are not enjoyed by vessels of any other class, or of any other nation. Such vessels would, for example, be free from the duty of reporting at the Customs on entering a Canadian harbor, and no safeguard could be adopted to prevent infraction of the Customs laws by any vessel asserting the character of a fishing vessel of the United States.

Instead of allowing to such vessels merely the restricted privileges reserved by the Convention of 1818, it would give them greater privileges than are enjoyed at the present time by any vessels in any part of the world.

#### ARTICLE III.

For the purpose of executing Article I of the Convention of 1818, the Government of the United States and the Government of Her Britannic Majesty hereby agree to send each to the Gulf of St. Lawrence a national vessel, and also one each to cruise during the fishing season on the southern coasts of Nova Scotia. Whenever a fishing vessel of the United States shall be seized for violating the provisions of the aforesaid Convention by fishing or preparing to fish within three marine miles of any of the coasts, bays, creeks and harbors of Her

This article would deprive the Courts in Canada of their jurisdiction and would vest that jurisdiction in a tribunal not bound by legal principles, but clothed with supreme authority to decide on most important rights of the Canadian people.

It would submit such rights to the adjudication of two naval officers, one of them belonging to a foreign country who, if they should disagree and be unable to choose an Umpire, must refer the final decision of the great interests which might be at stake to some person chosen by lot.

#### ARTICLE II.

The objections to this Article will, it is believed, be removed by a reference to Article VI, in which "the United States agrees to admonish its fishermen to comply" with Canadian Customs Regulations, and to co-operate in securing their enforcement. Obedience by American fishing vessels to Canadian laws was believed, and certainly was intended, to be secured by this Article. By the consolidation, however, of Articles II and VI, the criticism would be fully met.

#### ARTICLE III.

As the chief object of this Article is not unacceptable to Her Majesty's Government, i. e., the establishment of a joint system of inquiry by naval officers of the two countries in the first instance, it is believed that the objections suggested may be removed by an enlargement of the list of enumerated offences so as to include infractions of the regulations which may be established by the Commission. And the treatment to be awarded to such infractions should also be considered by the same body.



*All interim arrangement proposed by the United States' Government.**Observations on Mr. Bayard's Memorandum.**Reply to "Observations on Proposal."*

Britannic Majesty's dominions included within the limits within which fishing is, by the terms of the said convention renounced, such vessel shall forthwith be reported to the officer in command of one of the said national vessels who, in conjunction with the officer in command of another of said vessels of different nationality, shall hear and examine into the facts of the case. Should the said commanding officers be of opinion that the charge is not sustained, the vessel shall be released. But if they should be of opinion that the vessel should be subjected to a judicial examination, she shall forthwith be sent for trial before the Vice-Admiralty Court at Halifax. If, however, the said commanding officers should differ in opinion, they shall name some third person to act as Umpire between them, and should they be unable to agree upon the name of such third person, they shall each name a person and it shall be determined by lot which of the two persons so named shall be the Umpire.

## ARTICLE IV.

The fishing vessels of the United States shall have in the established ports of entry of Her Britannic Majesty's dominions in America the same commercial privileges as other vessels of the United States, including the purchase of bait and other supplies; and such privileges shall be exercised subject to the same Rules and Regulations and payment of the same port charges as are prescribed for other vessels of the United States.

If a vessel charged with infraction of Canadian fishing rights should be thought worthy of being subjected to a "Judicial examination," she would be sent to the Vice-Admiralty Court at Halifax; but there would be no redress no appeal and no reference to any tribunal if the naval officers should think proper to release her.

It should, however, be observed that the limitation in the second sentence of this Article of the violations of the Convention which are to render a vessel liable to seizure, could not be accepted by Her Majesty's Government.

For these reasons, the Article in the form proposed is inadmissible; but Her Majesty's Government are not indisposed to agree to the principle of a joint inquiry by the naval officers of the two countries in the first instance, the vessel to be sent for trial at Halifax if the naval officers do not agree that she should be released.

They fear, however, that there would be serious practical difficulties in giving effect to this arrangement, owing to the great length of coast, and the delays which must in consequence be frequent, in securing the presence at the same time and place of the naval officers of both Powers.

This Article is also open to grave objection. It proposes to give the United States' fishing vessels the same commercial privileges as those to which other vessels of the United States are entitled, although such privileges are expressly renounced by the Convention of 1818 on behalf of fishing vessels which were thereafter to be denied the right of access to Canadian waters for any purpose whatever, except those of shelter, repairs and the purchase of wood and water. It has frequently been pointed out that an attempt was made, during the negotiations which preceded the Convention of 1818 to obtain for the fishermen of the United States the right of obtaining bait in Canadian waters and that this attempt was successfully resisted. In spite of this fact it is proposed, under this Article, to declare that the Convention of 1818 gave that privilege as well as the privilege of purchasing other supplies in the harbors of the Dominion.

## ARTICLE IV.

The Treaty of 1818 related solely to fisheries. It was not a commercial convention, and no commercial privileges were renounced by it. It contains no reference to "ports," of which it is believed the only one then existing were Halifax, in Nova Scotia, and possibly one or two more in the other provinces; and these ports were not, until long afterwards, opened by reciprocal commercial regulations, to vessels of the United States engaged in trading.

The right to "obtain" (*i e.*, take, or fish for) bait was not insisted upon by the American negotiators, and was doubtless omitted from the Treaty, because, as it would have permitted fishing for that purpose, it was a partial reassertion of the rights to fish within the limits as to which the right to take fish had already been expressly renounced.

The purchase of bait and other supplies by the American fishermen in the established ports of entry of Canada, as proposed in Article IV, is not regarded as in-

*Ad interim arrangement proposed by the United States' Government.**Observations on Mr. Bayard's Memorandum."**Reply to "Observations on Proposition."*

consistent with any of the provisions of the Treaty of 1818, and in this relation it is pertinent to note the declaration of the Earl of Kimberley, in his letter of the 16th February, 1871, to Lord Lisgar, that "the exclusion of American fishermen from resorting to Canadian ports except for the purpose of shelter and of repairing damages therein, purchasing wood and obtaining water, might be warranted by the letter of the Treaty of 1818, and by the terms of the Imperial Act, 59 Geo. III, chap. 38, but Her Majesty's Government feel bound to state that it seems to them an extreme measure, inconsistent with the general policy of the Empire, and they were disposed to concede this point to the United States' Government under such restrictions as may be necessary to prevent smuggling and to guard against any substantial invasion of the exclusive rights of fishing which may be reserved to British subjects."

It is not contended that the right to purchase bait and supplies or any other privilege of trade was given by the Treaty of 1818; neither was any such right or privilege stipulated for or given by the Treaty of 1854 nor by the Treaty of Washington; and the Halifax Commission decided in 1877, that it was not "competent" for that tribunal "to award compensation for commercial intercourse between the two countries, nor for purchasing bait, ice, supplies, &c., nor for permission to tranship cargoes in British waters. And yet this Government is not aware that during the existence of the Treaty of 1854 or the Treaty of Washington question was ever made of the right of American fishermen to purchase bait and other supplies in Canadian ports, or that such privileges were ever denied them.

## ARTICLE V.

The Government of Her Britannic Majesty agree to release all United States' fishing vessels now under seizure for failing to report at Customs houses when seeking shelter, repairs or supplies, and to refund all fines exacted for such failure to report. And the High Contracting Parties agree to appoint a Joint Commission to ascertain the amount of damage caused to American fishermen during the year 1886 by seizure and detention in violation of the Treaty of 1818, said Commission

By this Article it is proposed to give retrospective effect to the unjustified interpretation sought to be placed on the Convention by the last preceding Article.

It is assumed without discussion that all United States' fishing vessels which have been seized since the expiration of the Treaty of Washington have been illegally seized, leaving as the only question still open for consideration the amount of the damages for which the Canadian authorities are liable.

## ARTICLE V.

This Government is not disposed to insist on the precise form of this Article, but is ready to substitute therefor a submission to arbitration in more general terms

*Ad interim arrangement proposed by the United States' Government.*

to make awards therefor to the parties injured.

*Observations on Mr. Bayard's , Reply to "Observations on Proposal."*

Such a proposal appears to Her Majesty's Government quite inadmissible.

#### ARTICLE VI.

The Government of the United States and the Government of Her Britannic Majesty agree to give concurrent notification and warning of Canadian Customs Regulations, and the United States agree to admonish its fishermen to comply with them and co-operate in securing their enforcement.

This Article calls for no remark.

#### APPENDIX A.

"In such capacity your jurisdiction must be strictly confined within the limit of 'three marine miles of any of the coasts, bays, creeks or harbors' of Canada with respect to any action you may take against American fishing vessels and United States' citizens engaged in fishing. Where any of the bays, creeks or harbors shall not exceed 10 geographical miles in width, you will consider that the line of demarcation extends from headland to headland, either at the entrance to such bay, creek or harbor, or from and between given points on both sides thereof at any place nearest the mouth where the shores are less than 10 miles apart; and may exclude foreign fishermen and fishing vessels therefrom, or seize if found within 3 marine miles of the coast."

"*Jurisdiction.*—The limits within which you will, if necessary, exercise the power to exclude United States' fishermen, or to detain American fishing vessels or boats, are for the present to be exceptional. Difficulties have arisen in former times with respect to the question whether the exclusive limits should be measured on lines drawn parallel everywhere to the coast and describing its sinuosities, or on lines produced from headland to headland across the entrances of bays, creeks or harbors. Her Majesty's Government are clearly of opinion that by the Convention of 1818 the United States have renounced the right of fishing not only within 3 miles of the Colonial shores, but within 3 miles of a line drawn across the mouth of any British bay or creek. It is, however, the wish of Her Majesty's Government neither to concede, nor for the present to enforce, any rights in this respect which are in their nature open to any serious question. Until further instructed, therefore, you will not interfere with any American fishermen unless found within 3 miles of the shore, or within 3 miles of a line drawn across the mouth of a bay or creek which is less than 10 geographical miles in width. In the case of any other bay, as the Baie des Chaleurs for example, you will not admit any United States' fishing vessel or boat, or any American fisherman, inside of a line drawn across at that part of such bay where its width does not exceed 10 miles." (Sessional Papers, Vol. III., 6, 1870.)

#### APPENDIX B.

"In such capacity your jurisdiction must be strictly confined within the limit of 'three marine miles of any of the coasts, bays, creeks or harbors' of Canada with respect to any action you may take against American fishing vessels and United States' citizens engaged in fishing. Where any of the bays, creeks or harbors shall not exceed 6 geographical miles in width you will consider that the line of demarcation extends from headland to headland, either at the entrance to such bay, creek or harbor, or from and between given points on both sides thereof at any place nearest the mouth where the shores are less than 6 miles apart, and may exclude foreign fishermen and fishing vessels therefrom, or seize if found within 3 marine miles of the coast.

"*Jurisdiction.*—The limits within which you will if necessary exercise the power to exclude United States' fishermen or to detain American fishing vessels or boats are for the present to be exceptional. Difficulties have arisen in former times with respect to the question

whether the exclusive limits should be measured on lines drawn parallel everywhere to the coast and describing its sinuosities or on lines produced from headland to headland across the entrances of bays, creeks or harbors. Her Majesty's Government are clearly of the opinion that, the Convention of 1818 the United States have renounced the right of fishing not only within three miles of the Colonial shores but within three miles of a line drawn across the mouth of any British bay or creek. It is, however, the wish of Her Majesty's Government neither to concede nor for the present to enforce any rights in this respect, which are in their nature open to any serious question. Until further instructed, therefore, you will not interfere with any American fishermen unless found within three miles of the shore or within three miles of a line drawn across the mouth of a bay or creek which, though in parts more than six miles wide, is less than six geographical miles in width at its mouth. In the case of any other bay, as Baie des Chaleurs for example, you will not interfere with any United States' fishing vessel or boat, or any American fisherman unless they are found within three miles of the shore.

*"Action.*—You will accost every United States' vessel or boat actually within three marine miles of the shore, along any other part of the coast except Labrador and around the Magdalen Islands or within three marine miles of the entrance of any bay, harbor or creek which is less than six geographical miles in width or inside of a line drawn across any part of such bay, harbor or creek, at points nearest to the mouth thereof, not wider apart than six geographical miles and if either fishing, preparing to fish, or having obviously fished, within the exclusive limits, you will in accordance with the above recited Acts seize at once any vessel detected in violating the law, and send or take her into port, for condemnation; but you are not to do so unless it is evident and can be clearly proved that the offence of fishing has been committed, and that the vessel is captured within the prohibited limits." (Sessional Papers vol. iv No. 4, 1871).

#### APPENDIX C.

##### *The Secretary of State for the Colonies to the Governor General.*

DOWNING STREET, 10th October, 1870.

SIR,—I enclose a copy of a Memorandum, which I have requested Lord Granville to transmit to Sir E. Thornton, with instructions to communicate with you before addressing himself to the Government of the United States on the subject to which the memorandum relates.

The object of Her Majesty's Government is, as you will observe, to give effect to the wishes of your Government, by appointing a joint commission, on which Great Britain, the United States, and Canada are to be represented with the object of inquiring what ought to be the geographical limits of the exclusive fisheries of the British North American Colonies. In accordance with the understood desire of your advisers, it is proposed that the inquiry should be held in America.

The proposal contained in the last paragraph is made with a view to avoid diplomatic difficulties which might otherwise attend the negotiation.

I have, &c.,

(Signed) KIMBERLEY.

Governor General  
the Right Hon. Sir JOHN YOUNG, G.C.B., G.C.M.G.

#### [Annex.]

##### *MEMORANDUM for Foreign Office respecting a Commission to settle limits of the right of exclusive Fishery, on the coasts of British North America.*

A Convention made between Great Britain and the United States on the 20th October 1818, after securing to American fishermen certain rights to be exercised on part of the coasts of Newfoundland and Labrador proceeded as follows:—

"And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry or cure fish on or within three miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the above limits."

The right of Great Britain to exclude American fishermen from waters within three miles of the coast is unambiguous, and it is believed uncontested. But there appears to be some doubt what are the waters described as within three miles of bays, creeks, and harbors.

When a bay is less than six miles broad, its waters are within 3-mile limit, and therefore clearly within the meaning of the treaty, but when it is more than that breadth, the question arises whether it is a bay of Her Britannic Majesty's dominions.

This is a question which has to be considered in each particular case with regard to international law and usage. When such a bay, &c., is not a bay of Her Majesty's dominions, the American fishermen will be entitled to fish in it except within three miles of the "coast" when it is a bay of Her Majesty's dominions, they will not be permitted to fish within three miles of it; that is to say (it is presumed) within three miles of a line drawn from headland to headland.

It is desirable that the British and American Government should come to a clear understanding in the case of each bay, creek, or harbor, what are the precise limits of the exclusive rights of Great Britain and should define those limits in such a way as to be incapable of dispute, either by reference to the bearings of certain headlands, or other objects on shore, or by laying the lines down in a map or a chart.

With this object it is proposed that a Commission should be appointed, to be composed of representatives of Great Britain, the United States and Canada to hold its sittings in America, and to report to the British and American Governments their opinion either as to the exact geographical limits to which the renunciation above quoted applies, or, if this is found impracticable, to suggest some line of delineation along the whole coast, which, though not in exact conformity with the words of the convention, may appear to them consistent in substance with the just rights of the two nations and calculated to remove occasion for further controversy.

It is not intended that the results of the commission should necessarily be embodied in a new convention between the two countries, but if an agreement can be arrived at, it may be sufficient that it should be in the form of an understanding between the two Governments as to the practical interpretation which shall be given to the Convention of 1818 (Sessional Papers, 1871).

— — —  
No. 18.

*Lord Lansdowne to Sir H. T. Holland.*

QUEBEC, 21st September, 1887.

[No. 367.]

SIR,—I shall be much obliged if you will cause me to be furnished for the use of my Government with copies of any regulations governing the action of Foreign Fishermen while in the water or harbor of Great Britain.

The Treaties which have reference to this subject can be consulted without difficulty, but I assume that there must be in existence rules published by the authority of the British Government and framed for the purpose of giving effect to the provisions of such treaties.

I have, &c.,

(Signed) LANSDOWNE.

The Right Honorable  
Sir Henry Holland, &c., &c., &c.

— — —  
(No. 19.)

*Lord Lansdowne to Sir Henry Holland.*

OTTAWA, 28th October, 1887.

[No. 416.]

SIR,—I regret to find that amongst the despatches addressed to me by the Colonial Office, and remaining unanswered, is one from the Hon. E. Stanhope dated 9th September, 1886, in which my attention was called to the action of the officer commanding the Canadian schooner "Conrad" in forbidding the United States' schooner "Golden Hind" to enter the Bay des Chaleurs last summer.

Vide Correspondence  
1885-87, page 123.

This despatch which was received during my absence from Canada on leave was referred to the Department of Fisheries and the facts were, as you will observe from the papers now forwarded, investigated without loss of time. Owing to some oversight however the matter was not brought in the usual manner before Council and was consequently altogether overlooked for some months.

There were several fishery cases reports which had been sent to you or your predecessors before the arrival of any complaints from the United States' Government, and I found that the Minister when I called his attention to Mr. Stanhope's despatch was under the impression that in the case of the "Golden Hind," he had been furnished with such a report and his despatch consequently answered by anticipation.

I now forward for your information a copy of an approved Minute of my Privy Council, 27th October, 1887, dealing with Mr. Bayard's complaint.

The Report of the captain of the Cruiser "Conrad" enclosed with this Minute shows, I think, conclusively that Mr. Bayard was misinformed as to the facts, and that although the "Golden Hind" was warned not to enter the Bay des Chaleurs there is no foundation for the statement of her captain that he applied for and was refused permission to obtain water at Port Daniel in the above bay.

I have, &c.,

(Signed)

LANSDOWNE.

The Right Honorable

SIR HENRY HOLLAND, &c., &c.

[Enclosure No. 1.]

[No. 378 g.]

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council on the 27th October, 1887.*

The Committee of the Privy Council, have had under consideration a Despatch dated 9th September, 1886, from the Right Honorable the Secretary of State for the Colonies, transmitting a copy of a communication from the Foreign Office, together with a note from Mr. Secretary Bayard, protesting against the action of the Commander of the Canadian cruiser "F. E. Conrad," in forbidding the Master of the United States' fishing schooner "Golden Hind" to enter the Bay Chaleurs for the purpose of renewing his supply of fresh water.

The Minister of Marine and Fisheries to whom the Despatch and enclosure were referred submits herewith Captain Smeltzer's statement of what occurred on the day the schooner "Golden Hind" is stated to have been at Bay Chaleurs.

The Minister observes that Captain Smeltzer denies that the Master of the "Golden Hind" mentioned any desire to enter the bay for water, but that he asked for a copy of the "warning" which had been issued by the Fisheries Department to the Masters of United States' fishing vessels, which was given him. This "warning" states distinctly the purposes for which United States' fishing vessels can enter Canadian ports.

The Minister further observes that there are no grounds to substantiate the charge of a violation of the Treaty and the common rights of hospitality to which Mr. Bayard gives expression.

The Committee recommends that Your Excellency be moved to transmit a copy of this Minute and enclosure to the Right Honorable the Secretary of State for the Colonies.

All of which is respectfully submitted.

(Signed)

J. J. McGEE.

*Clerk of the Privy Council.*

[Enclosure No. 2.]

GOVERNMENT SCHOONER "F. E. CONRAD," SIOUX, P.E.I., 5th October, 1886.

SIR,—I am this day in receipt of your letter dated 27th September, concerning a complaint made by Reuben Cameron, master of the American fishing schooner "Golden Hind," of Gloucester. In reply, referring to my boarding log, I find I boarded the said vessel on

the 22nd July, 1886, near the entrance of Bay Chaleurs. On boarding him I asked him for his report, &c., which he gave me. I then told him my orders were not to allow any American fishermen to enter the bay, and warned him not to do so. He then asked me if I had any printed "Warnings" to give him. I told him I had. He then sent his boat to my vessel for the same. I gave him one, and to impress my orders on his mind, I wrote on the back "Don't enter the Bay Chaleurs." He did not say he wanted water, nor did he say he wanted to go into Port Daniel. He merely asked me about the headlands of the bay. The foregoing particulars are exactly what occurred with reference to my boarding the said schooner "Golden Hind."

I am, Sir,

Your obedient servant,

(Signed) MATHIAS SMELTZER,  
*In command of Schooner "F. E. Conrad"*

THE DEPUTY MINISTER OF FISHERIES,  
Ottawa.

No. 20.

*Sir H. Holland to Lord Lansdowne.*

[No. 410.]

DOWNING STREET, 6th December, 1887.

MY LORD,—With reference to my despatch No. 265 of the 6th of August, 1887, enclosing a copy of a despatch from Her Majesty's Minister at Washington No. 15, relating to the case of the United States' fishing schooner "Laura Sayward," I have the honor to transmit to you, herewith, for communication to your Government, a copy of a further despatch No. 117, 1st November, 1887, received through the Foreign Office, from Sir Lionel West, with its enclosures in reference to the same case.

I have, &c.,

(Signed) H. T. HOLLAND.

Governor General

The Most Honorable

The MARQUIS OF LANSDOWNE, G.C.M.G.,  
&c., &c., &c.

[Enclosure No. 1.]

*Sir L. S. West to the Marquis of Salisbury.*

[Treaty No. 117.]

WASHINGTON, 1st November, 1887.

MY LORD,—With reference to Your Lordship's despatch No. 33, Treaty, dated the 30th June last, I have the honor to enclose herewith copy of a note which I have received from the Secretary of State, forwarding a copy of the affidavits of Captain Rose and Augustus Rogers, by which it appears that his declaration of the 20th April was obtained from him by Collector Atwood through fear and intimidation.

I have, &c.,

(Signed) L. S. SACKVILLE WEST.

[Enclosure No. 2.]

*Mr. Bayard to Sir L. S. West.*

DEPARTMENT OF STATE, WASHINGTON, 31st October, 1887.

SIR,—On the 19th July last I had the honor to receive from you a letter dated the day previous, enclosing a printed copy of a Declaration made by Medeo Rose, formerly master of the schooner "Laura Sayward," of Gloucester, Massachusetts, in which he controverts certain statements theretofore made by him under oath in relation to his treatment by Mr. Atwood, Collector of Customs at Shelburne, Nova Scotia, on the 13th October, 1886.

Upon receiving your letter, I at once communicated its contents to the Collector of the Port of Gloucester, Massachusetts, through whom the original complaint had been forwarded to this Department.

To-day, for the first time, I was informed that on the 5th August last a reply and sworn statement, by way of explanation of this variance between his affidavit of the 13th October, 1886, and his subsequent declaration at Sandy Point, Nova Scotia, dated the 20th April, 1887, had been in my absence received at this Department, and by inadvertence not laid before me until to day.

I therefore now enclose a copy of the affidavits of Captain Rose and Augustus Rogers, made at Gloucester, Massachusetts, on the 3rd August last, before a Notary Public, by which it appears that his declaration of the 20th April, 1887, was not voluntary, but was obtained from him by Collector Atwood, through fear and intimidation, under circumstances fully stated.

I should transmit these documents without further comment, but that, in closing your note to me of the 18th July last, you stated that you were "further instructed to ask whether the United States' Government have any observations to make thereupon."

In my reply to you on the 19th July, I promised to comply with your request, and for that reason I now remark that the incident which has been the subject of this correspondence affords but another illustration and additional evidence, if any were needed, of the unwisdom of imperilling the friendly relations of two kindred and neighboring countries by intrusting the interpretation and execution of a Treaty between them to the discretion of local and petty officials, and vesting in them powers of administration wholly unwarranted and naturally prolific of those irritations which wise and responsible rulers will always seek to avoid.

On the eve of a negotiation touching closely the honor and interests of two great nations, I venture to express the hope that the anticipated result of our joint endeavors to harmonize all differences may render it hereafter impossible to create a necessity for those representing our respective Governments to be called upon to consider such questions as are presented in the case of the "Laura Sayward."

I have, &amp;c.,

(Signed) T. F. BAYARD.

[Enclosure No. 3.]

I, Medeo Rose, master of the schooner "Laura Sayward," of Gloucester, do solemnly declare and say, that on the 6th October last I arrived at the port of Shelburne and reported my vessel at Custom House sometime after 4 P.M. Stated to the Collector that I was from Western Banks, bound home and required provisions as follows:—7 lbs. sugar, 3 lbs. coffee, 1 bush. potatoes, 2 lbs. butter, and to fill water. This was all. The Collector told me to fill the water, but as there was no provision made in the Treaty for purchase of supplies or stores, he would telegraph the Department at Ottawa at once, that no doubt they would be allowed, and I consented to wait until 10 the next morning for a reply. I called at the Custom House early next morning, before 7 o'clock; stated that as the wind was fair and blowing a strong breeze, I would not wait for a reply to telegram, but take a clearance, which the Collector gave me. I was treated kindly, allowed to enter my vessel after Customs hours, and a clearance granted me next morning before the office supposed to be open. I was at the port again in November on my way to the Banks, and the Collector allowed me to report my vessel inwards and outwards, and gave me a clearance at 8 o'clock in the evening. The statement purporting to have been made by me to the effect that the Collector refused to give me my papers when I asked him for them, also that his treatment towards me was harsh and cruel, driving myself and crew to sea, having but little flour and water, &c., are all untrue.



And I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of Parliament, entitled "An Act for the Suppression of Unnecessary and Voluntary Oaths."

(Signed) MEDEO ROSE.

Taken and declared before me, at Sand }  
Point, the 20th day of April, A.D. 1887. }

(Signed) JOHN PURNEY, J.P.

[Enclosure No. 4.]

I, Medeo Rose, of Gloucester, being under oath, do depose and say:—

That I was master of the schooner "Laura Sayward" during the year 1886, and that I am now master of the schooner "Gleaner," of Gloucester.

On the 18th April, 1887, I went into the lower harbor of Shelburne, Nova Scotia, in the said schooner "Gleaner," for shelter and water.

On the morning of the 19th April Mr. Atwood, the Collector of Customs, with two men wearing badges, which I supposed were Government badges, came on board. Their appearance filled me with fear, for I felt some trouble must be in store for me when Collector Atwood would leave his office and come so far (about 4 miles) to board my vessel. I invited him into the cabin, where he showed me a copy of my statement of the 13th October, 1886, in regard to the treatment I received from him when in the schooner "Laura Sayward" (5th October, 1886,) and asked me if I made that statement. I told him I did. "Well," said he, "everything in that statement is false." I told him my statement was true. He then produced a prepared written statement, which he read to me, which stated that my statement of the 13th October was untrue, and told me I must go on shore and sign it. Being nervous and frightened, and fearing trouble if I refused, I went on shore with him to the store of Mr. Purney, and before Mr. Purney signed and swore to the statement.

On the afternoon of the same day, realizing the wrong I had done, I hired a team, and with one of my crew (Augustus Rogers) went to the Custom-house and asked Collector Atwood to read to me the statement I had signed. He did so, and I again told him it was wrong, and that my first statement was true. He said I did not ask for all the articles mentioned in my first statement; that he did not refuse me my papers, and also that that statement might be the cause of his removal from his office. I told him I did not want to injure him, and I did not want to make myself out a liar at Washington.

About the 3rd day of June last, I went into Shelburne again, solely to get a copy of the last statement. I went to the Custom House, taking the same man (Augustus Rogers) with me, and asked Collector Atwood for a copy of the statement. He refused to give it to me, and said my lawyer had been advising me what to do, and that I need not expect a favor from him.

The above is a true statement of the case. The statement obtained from me by Collector Atwood was obtained through my fear of seizure if I refused.

(Signed) MEDEO ROSE.

[Enclosure No. 5.]

I, Augustus Rogers, one of the crew of the schooner "Gleaner," being duly sworn, do depose and say:—

That I went with Captain Medeo Rose to the Custom House at Shelburne, Nova Scotia, on the 19th day of April last, and also on the 3rd day of June. I heard his conversation with Collector Atwood on both occasions, and hereby certify that the statement of those interviews, as made above, are correct and true.

(Signed) AUGUSTUS ROGERS,

3rd August, 1887.

Mass., Essex, s.s.

Personally appeared, Medeo Rose and Augustus Rogers, and made oath to the truth of the above statements.

Before me,  
(Signed) AARON PARSONS,  
Notary Public.

[Enclosure No. 6.]

DOMINION OF CANADA, }  
 PROVINCE OF NOVA SCOTIA, }  
*Port of Shelburne.*

I, Warren W. Atwood, of the town and county of Shelburne, Customs officer, solemnly declare and say :—On the 19th of April last, Captain Lorway of the cruiser "Triumph" informed me that Medeo Rose, late master of the schooner "Laura Sayward" was at anchor in the lower harbor of Shelburne, on board and master of the American schooner "Gleaner" and that he had informed him that he had not made the statement charging me with harsh and improper conduct when previously in this port.

In consequence of this information I went the next day to Sand Point, and, seeing John Purney, Esquire, there with two of his fishing schooners and crews at his wharf, I asked him to put me on board the said American schooner "Gleaner," then lying in the stream and he immediately sent a dory with two of the fishing crew, who were dressed in their ordinary clothes, with me to said schooner "Gleaner."

I found Captain Medeo Rose on board and went in the cabin and read over to him the paper writing hereto annexed, marked "A" and asked him if he had made that statement, and particularly called his attention to the circumstances, when he said that many things contained in the said affidavit were untrue and not as he had stated them, and he then and there admitted that I had treated him kindly and with consideration. I then showed him the affidavit, which he afterwards signed, and asked him if it was correct, when he at once said it was, and willingly and without any objection came ashore in his dory for the purpose of signing it.

We then went before John Purney, Esquire, a justice of the peace, when the affidavit was again read over to him in the presence of Mr. Purney, when he said it was true and correct, and made no hesitation in signing it and declaring to its truth.

That no threats, intimidation or inducements of any kind were made or offered to him by me or by anyone else in my presence or with my knowledge to urge him either to go ashore or to sign the said paper.

In the afternoon of the same day he came to my office in Shelburne and said he wanted an addition made to his declaration, namely, that on the evening of the sixth day of October he had called at my office and asked for his papers and was told that he may as well leave them until morning, when he came for a clearance. As my letter enclosing the statement made by him was ready for mailing, I did not consider the addition material, and the justice of the peace was not present, I declined to make the addition, but I went with him to the office of N. W. White, Esquire, United States' Consular Agent, when the whole matter was talked over, and he again, in the presence of the said consular agent and myself, acknowledged that the statement made by him before Mr. Purney was correct, and the one purporting to have been made by him in October previous was not true and he did not then or at any other time intimate that he feared his vessel would be seized or that he would be put to trouble in any way if he had not made the statement before Mr. Purney.

That I have never worn any badge of office myself nor have I any to wear, nor did the fishermen who rowed me in the dory to the vessel or any other person at the time I visited her, have or wear any badge of office.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of an Act of Parliament, intituled: "An Act for the suppression of unnecessary and voluntary oaths."

(Signed) W. W. ATWOOD,  
*Collector.*

Taken and declared before me at }  
 Shelburne, this seventh day of }  
 February, A.D. 1888.

(Signed) GEORGE A. COX, J. P.

[Enclosure No. 7.]

DOMINION OF CANADA, }  
 PROVINCE OF NOVA SCOTIA, }  
*Port of Shelburne.*

I, John Purney, of Sand Point, in the county of Shelburne, merchant, make oath and say as follows :—

I know Medeo Rose, of Gloucester, late master of the schooner "Laura Sayward," and he anchored off my place in said harbor of Shelburne, in April last, when in command of the schooner "Gleaner." On the morning of the 20th of April last, Warren W. Atwood, Collector

of Customs at Shelburne, came to my place and asked me to send him off to the said schooner "Gleaner," then lying in the stream. I at once sent two fishermen then at work on board my vessel, and who were in their ordinary fishermen's clothes, with a dory, who took the said Warren W. Atwood to the said schooner "Gleaner" and no other persons but the said fishermen and Atwood were on board said dory.

Shortly after said Atwood and Captain Rose returned to my house and said Atwood produced a paper writing containing a statement relative to what had happened when said Rose was previously in said Port of Shelburne, a copy of which is hereto annexed and read the same over to the said Rose in my presence. Captain Rose said the statement was true and correct, and made no hesitation about signing it, and I thereupon administered an oath to him of the truth and correctness of the statement in said paper, and he readily took the same and signed it.

That no inducement whatever was held out to him or any threats made to urge him to make the statement or sign the paper in my presence. And I make this solemn declaration conscientiously believing the same to be true and by virtue of an Act of Parliament, intitled: "An Act for the suppression of unnecessary and voluntary oaths."

(Signed) JOHN PURNEY.

Taken and declared before me at }  
Shelburne, this first day of Feb- }  
ruary, A.D. 1888.

GEORGE A. COX, J. P.

[Enclosure No. 8.]

DOMINION OF CANADA, }  
PROVINCE OF NOVA SCOTIA, }  
Port of Shelburne.

I, Brewster Doane, of Gunning Cove in the County of Shelburne, Nova Scotia, solemnly declare, depose and say as follows:—

I was one of the fishing crew of the fishing schooner "Bride," owned by John Purney of Sand Point, and on the twentieth day of April last, with others of the crew was employed in getting said vessel ready for fishing, and which was then lying at Mr. Purney's wharf at Sand Point, aforesaid, when W. W. Atwood, Customs' Officer, at Shelburne, came to the wharf and I in company with Timothy O'Connell rowed him to the American schooner "Gleaner" then lying in the lower harbor.

I went on board the said vessel and into the cabin with Mr. Atwood and was present at the conversation between him and the Captain, Medeo Rose. I do not remember the particulars of the conversation; they did not dispute; no threat or intimidation of any kind was offered, and I distinctly remember hearing said Medeo Rose say to Mr. Atwood that he had nothing to complain of, that he had always been treated kindly by him and that he would willingly go ashore and make a statement to that effect.

He soon after came ashore in his own dory and I saw him going up to Mr. Purney's with Mr. Atwood.

We were dressed in overhauls and ordinary fishermen's clothing and wore no badges of any kind.

And I make this declaration conscientiously believing the same to be true and by virtue of an Act of Parliament entitled: "An Act for the suppression of unnecessary and voluntary oaths."

(Signed) BREWSTER DOANE.

Taken and declared before me, this }  
thirteenth day of February, A. D. }  
1888.

(Signed) W. H. G. NUN, J. P.

[Enclosure No. 9.]

DOMINION OF CANADA, }  
PROVINCE OF NOVA SCOTIA, }  
Port of Shelburne.

I, Timothy O'Connell, of Shelburne, in the County of Shelburne, fisherman, solemnly declare and say:

On or about the twentieth day of April last, while I and others of the crew of the fishing schooner "Bride" owned by John Purney, Esquire, and then lying at his wharf at Sand Point were employed in putting fishing supplies on board of said vessel, W. W. Atwood, the Col-

lector of Customs at Shelburne, and the said John Purney asked us to put Mr. Atwood on board the American schooner "Gleaner," then lying at anchor in the lower harbor and in compliance with their request, I, in company with another of said crew, rowed him to said vessel in a dory.

Both of us were dressed in our ordinary fishermen's clothes with overhauls and wore no badges of any kind and had none to wear.

I had seen the master of the "Gleaner," Medeo Rose before, and on going on board of his vessel I accompanied Mr. Atwood to the cabin and was present and heard the conversation between him and the said Medeo Rose. Mr. Atwood asked him if he had made an affidavit charging him with improper and unkind conduct to him and read over to him a paper which was said to contain a statement made by him to that effect. Captain Rose after hearing the paper read said it was false, that he had not made such a statement, that he had always said Mr. Atwood had treated him kindly and would say so again, and he then and there willingly agreed to go ashore to Mr. Purney's and make a statement to that effect.

That he therefore got in one of his dories with one of his crew and rowed ashore in company with us.

No threats or intimidation of any kind was used by Mr. Atwood while on board the said vessel, nor was anything said about the seizure of the vessel or her detention, nor was Captain Rose urged to make any statement or declaration, nor was there any dispute or contradiction between him and Mr. Atwood, but Captain Rose was quite willing and made no objection either to go ashore or to make an affidavit stating that he had not been treated improperly or unkindly when he was previously at the port of Shelburne and that the affidavit to the contrary purporting to be made by him was false and untrue and had not been made by him.

And I make this declaration conscientiously believing the same to be true and by virtue of an Act of Parliament entitled: "An Act for the suppression of unnecessary and voluntary oaths."

Taken and declared before me at } (Signed) TIMOTHY O'CONNELL.  
Shelburne this tenth day of Feb-  
ruary, A.D. 1888. }  
(Signed) GEORGE COX, J.P.

[Enclosure No. .10]

UNITED STATES' CONSULAR AGENCY, SHELBURNE, 29th February, 1888.

DEAR SIR,—Your favor of to-day respecting Captain Medeo Rose's visit to me in company with you about the 20th April last, and the conversation which passed on that occasion has been received. In reply I may say that I remember the circumstances and what occurred at the interview. Captain Rose made no complaint to me or intimated that he had been unfairly treated. He spoke of a declaration he had recently made before J. Purney, Esquire, at your request; that it was correct as far as it went, but wished an addition to be made to it to the effect that he had called at your office in the evening of the 6th October and asked for his papers and was told that he had better leave them until he came for his clearance and that he assented to that suggestion.

Having heard the reports in circulation respecting Captain Rose's complaint of harsh treatment when previously in this port, I felt it my duty to ask him in your presence if he had any fault to find with you, when he replied that he had none; that the declaration he had made before J. Purney was correct.

Yours truly,  
(Signed)

N. W. WHITE.  
*U. S. Consular Agent.*

W. W. ATWOOD, Esq.,  
Collector of Customs, Shelburne.

[No. 414.]

No. 21.

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 12th December, 1887.

MY LORD,—With reference to your despatch, No. 416 of the 23th of October, I have the honor to transmit to you, for communication to your Lordship's No. 19. Government, a copy of a letter, 7th instant, from the Foreign Office, with its enclosure respecting the case of the "Golden Hind."

I have, &c.,

(Signed.) H. T. HOLLAND.

Governor General

The Most Honorable

THE MARQUIS OF LANSDOWNE, G.C.M.G.,  
&c., &c., &c.

[Enclosure No. 1.]

*The Foreign Office to the Colonial Office.*

FOREIGN OFFICE, 7th December, 1887.

SIR,—With reference to your letter of the 19th ultimo, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before Secretary Sir Henry Holland, a copy of a despatch, No. 278, 24th November, 1887, which has been addressed to Her Majesty's Minister at Washington with regard to the case of the "Golden Hind."

I have, &amp;c.,

(Signed.) J. PAUNCEFOTE.

THE UNDER SECRETARY OF STATE,  
Colonial Office.

[Enclosure No. 2.]

*The Marquis of Salisbury to Sir L. West.*

[No. 278.]

FOREIGN OFFICE, 24th November, 1887.

SIR,—The Earl of Iddesleigh, by his despatch No. 51, Treaty, of the 6th September of last year, requested you to inform Mr. Bayard that immediate inquiry should be made into the case of the United States' vessel "Golden Hind," to which he had called attention in his note of the 17th August enclosed in your despatch No. 78, Treaty, of the 18th of that month.

I transmit to you a copy of a letter which was accordingly addressed to the Colonial Office and a copy of the reply from that Department, dated the 19th instant.

You will observe, from Lord Lansdowne's despatch of the 23rd ultimo, enclosed in the No. 19. Colonial Office letter, that by an oversight the reply from the Canadian Government to the reference made to them by Her Majesty's Secretary of State for the Colonies has been considerably delayed, though there was no delay on the part of the Canadian authorities in obtaining a report from the officer in command of the schooner "F. E. Conrad" on the subject of the complaint made by the master of the American schooner "Golden Hind" that he had been forbidden by the commander of the "F. E. Conrad" to enter the Baie des Chaleurs when he attempted to put into Port Daniel for the purpose of obtaining a fresh supply of water.

The commander of the "F. E. Conrad" states that the master of the American vessel did not inform him that he wanted water, nor that he desired to enter Port Daniel.

I have to request that you will express to Mr. Bayard my regret that the United States' Government should have remained so long without a reply to their representation in the case of the "Golden Hind," and that you will communicate to Mr. Bayard the papers enclosed in the Colonial Office letter.

I am, &amp;c.,

(Signed.) SALISBURY.

No. 22.

*Sir H. Holland to Lord Lansdowne.*

[No. 20]

DOWNING STREET, 19th January, 1888.

MY LORD,—I have the honor to transmit to you for communication to your Government, with reference to my despatch, No. 414 of the 12th ultimo, the accompanying copy of a despatch from Her Majesty's Minister at Washington respecting the case of the "Golden Hind," which has been received from the Foreign Office.

I have, &amp;c.,

(Signed.) H. T. HOLLAND.

Governor General,  
The Most Honorable  
THE MARQUIS OF LANSDOWNE.

[Enclosure No. 1.]

*Sir L. West to the Marquis of Salisbury.*

[No. 336.]

WASHINGTON, 6th December, 1887.

MY LORD,—In accordance with the instructions contained in Your Lordship's despatch, No. 278 of the 24th ultimo, I have communicated to the Secretary of State the papers therein alluded to, relative to the action of the officer in command of the Canadian Cruiser "Conrad" in the case of the United States' fishing schooner "Golden Hind."

(Signed.) L. S. SACKVILLE WEST.

No. 23.

*Sir H. Holland to Lord Lansdowne.*

[No. 43.]

DOWNING STREET, 3rd February, 1888.

MY LORD,—I am directed by the Secretary of State to transmit to you for the information of your Government in reply to your despatch No. 367, of 21st No. 18. September, the documents specified in the annexed schedule.

I have, &amp;c.,

(Signed.) ROBERT G. W. HERBERT.

Date.	Description of Document.
30th January .....	Regulations affecting Foreign Fishermen.
.....	Board of Trade to Colonial Office (with enclosure).

[Enclosure No. 1.]

*The Board of Trade to the Colonial Office.*

[No. S. 1240.]

BOARD OF TRADE, (FISHERIES DEPARTMENT)

LONDON, S.W., 30th January, 1888.

SIR,—I am directed by the Board of Trade to acknowledge the receipt of your letter of the 18th October last, in which you transmit copy of a despatch from the Governor General of Canada, asking for copies of any regulations governing the action of foreign fishermen while in the waters or harbors of Great Britain; and I am now to request that you will lay the following observations before Sir Henry Holland.

Speaking generally, the Regulations to which foreign fishing vessels are subject in the waters of the United Kingdom are contained in the Sea Fisheries Act, 1883 (46 and 47 Vic., chap. 22) and in those portions of the Sea Fisheries Act, 1868 (31 and 32 Vic., chap. 45) which are not repealed by the former Act. Two copies of both Acts are herewith transmitted.

The sections which most especially affect foreign boats are 18, 26 and 66 of the Act of 1868, and 7 of the Act of 1883. No regulations have been made by Order in Council under sub-section (2) (c) of the last named section, and it will be perceived that such sections as 4 and 5 of the Act of 1883 render foreign fishermen liable when within the exclusive fishery limits of the British Islands to penalties for disobeying rules which British fishermen are required to observe whether they are within those limits or not.

While actually employed in catching fish within soundings, or when with the ordinary fishing gear on board bringing to port fish—either salted or fresh from the fishing grounds foreign in common with British fishing vessels are not liable to dues in respect of lighthouses, &c., maintained by the general lighthouse authorities. The harbors of the United Kingdom are governed by regulations which differ with the varying circumstances of each case, and which are usually established under the provisions of local Acts of Parliament relating respectively to individual harbors. In almost every respect foreign fishing vessels are entitled to precisely the same treatment in these harbors as British fishing vessels, both as regards measures of control and the levying of harbor dues or dues for lighthouses, &c., maintained by local authorities.

The exceptions under these heads seem to be:—

(a.) That foreign fishing vessels coming into port to sell fish are, under the orders of the Board of Customs, obliged to report their arrival and to make entry of their cargo on forms, copies of which are herewith enclosed; whilst British fishing vessels are not required to report their arrival unless they come from "parts beyond the seas," and then may land fish of British taking without entry.

(b.) That by virtue of Section 66 of the Sea Fisheries Act, 1868, and analogous legislation, foreign fishing vessels putting into port under stress of weather may be exempted from dues.

I have, &c.,

(Signed) GEORGE J. SWANSTON.

The UNDER SECRETARY OF STATE,  
Colonial Office.

[Enclosure No. 2.]

#### CHAPTER 22.

An Act to carry into effect an International Convention concerning the Fisheries in the North Sea, and to amend the laws relating to British Sea Fisheries.

[2nd August, 1883.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

#### PRELIMINARY.

1. This Act may be cited as the Sea Fisheries Act, 1883.

#### CONFIRMATION OF CONVENTION.

2. The Convention set out in the first schedule to this Act (referred to in this Act as the Convention) is hereby confirmed, and the Articles thereof shall be of the same force as if they were enacted in the body of this Act.

#### FISHERY REGULATIONS.

3. It shall be lawful for Her Majesty from time to time, by Order in Council, to make, alter, and revoke regulations for carrying into execution this Act and the intent and object thereof, and for the maintenance of good order among sea fishing boats, and the persons belonging thereto, and to impose fines not exceeding ten pounds for the breach of such regulations.

4. If within the exclusive fishery limits of the British Islands any person, or if outside those limits, any person belonging to a British sea fishing boat,—

- (a.) Acts in contravention of Articles thirteen to twenty-two (both inclusive) of the first schedule to this Act, or any of them; or
- (b.) Causes injury to any person in any one or more of the following ways, namely, by assaulting any one belonging to another sea fishing boat, or by causing damage to another sea-fishing boat, or to any property on board thereof, or belonging thereto; or
- (c.) Fishes for oysters or has on board his boat any oyster dredge within any seas and during any time within and during which oyster fishing is prohibited by law, or by any convention, treaty or arrangement to which this Act may be hereafter applied;

Such person shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labor.

5. If within the exclusive fishery limits of the British Islands, any person, or if outside those limits, any person belonging to a British sea-fishing boat,

- (a.) Uses any instrument for the purpose of damaging or destroying, by cutting or otherwise, any fishing implement belonging to another sea-fishing boat, except in the cases provided for by Articles twenty and twenty-one of the first schedule to this Act; or

- (b.) Takes on board or has on board such boat any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise;

Such person shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labor, and the instrument shall be liable to be forfeited.

6. The regulations respecting lights for the time being in force under the Acts relating to merchant shipping shall, so far as they relate to sea-fishing boats, be deemed to be provisions of this Act and may be enforced accordingly, and a sea-fishery officer shall for that

purpose, in addition to his powers under this Act, have the same powers as are given to any officer by the said Acts relating to merchant shipping.

#### EXCLUSIVE FISHERY LIMITS.

7. (1.) A foreign sea-fishing boat shall not enter within the exclusive fishery limits of the British Islands, except for purposes recognized by international law, or by any convention, treaty or arrangement for the time being in force between Her Majesty and any Foreign State, or for any lawful purpose.

(2.) If a foreign sea-fishing boat enters the exclusive fishery limits of the British Islands,

(a.) The boat shall return outside of the said limits so soon as the purpose for which it entered has been answered;

(b.) No person on board the boat shall fish or attempt to fish while the boat remains within the said limits;

(c.) Such regulations as Her Majesty may from time to time prescribe by Order in Council shall be duly observed.

(3.) In the event of any contravention of this section on the part of any foreign sea-fishing boat, or of any person belonging thereto, the master or person for the time being in charge of such boat shall be liable on summary conviction to a fine not exceeding, in the case of the first offence, ten pounds, and in the case of a second or any subsequent offence, twenty pounds.

#### REGISTRY OF BRITISH SEA-FISHING BOATS.

8. (1.) Sections twenty-two, twenty-three, twenty-four, and twenty-six of the Sea Fisheries Act, 1868 (which relate to the registry of British sea-fishing boats), shall have effect as if Articles five to twelve (both inclusive) of the first schedule to this Act were therein referred to in addition to the Articles of the first schedule to that Act in the said sections mentioned, and as if offences under this Act were offences in the said sections mentioned; provided that nothing in the said sections shall be deemed to authorize any foreign sea fishery officer to do anything which he is not, under the first schedule to this Act, authorized to do.

(2.) Section one hundred and seventy-six of the Customs Consolidation Act, 1876, shall not apply to any British sea-fishing boat entered or registered in pursuance of the said sections of the Sea Fisheries Act, 1868.

#### MISCELLANEOUS.

9. (1.) There shall not be manufactured or sold or exposed for sale at any place within the British Islands, any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise.

(2.) In the event of any contravention of this section a person guilty thereof shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labor, and the instrument shall be liable to be forfeited.

10. The boats and things specified in Article twenty-five of the first schedule to this Act shall be deemed to be "wreck" within the meaning of any Acts relating to merchant shipping, so however that the provisions of the said Article shall be duly observed.

#### ENFORCEMENT OF ACT.

11. (1.) The provisions of this Act and of any Order in Council under this Act or under the sections of the Sea Fisheries Act, 1868, amended by this Act shall be enforced by sea-fishery officers, either British or foreign.

(2.) The following persons shall be British sea-fishery officers: that is to say, every officer of or appointed by the Board of Trade, every commissioned officer of any of Her Majesty's ships on full pay, every officer authorized in that behalf by the Admiralty, every British Consular Officer, every collector and principal officer of Customs in any place in the British Islands and every officer of the Customs in the British Islands authorized in that behalf by the Commissioners of Customs, every divisional officer of the coast guard, and every principal officer of a coast guard station.

(3.) The following persons shall be foreign sea-fishery officers, that is to say, the commander of any vessel belonging to the Government of any Foreign State bound by the Convention, and any officer appointed by a Foreign State for the purpose of enforcing the Convention, or otherwise recognized by Her Majesty as a sea-fishery officer of a Foreign State.

12. For the purpose of enforcing the provisions of this Act and of any Order in Council under this Act or under the Sea Fisheries Act, 1868, as amended by this Act, a British sea-fishery officer may with respect to any sea-fishing boat within the exclusive limits of the British Islands and with respect to any British sea-fishing boat outside of those limits, exercise the following powers:

(1.) He may go on board it;



- (2.) He may require the owner, master, and crew, or any of them, to produce any certificates of registry, licenses, official logbooks, official papers, articles of agreement, muster rolls, and other documents relating to the boat or to the crew, or to any member thereof, or to any person on board the boat, which are in their respective possession or control on board the boat, and may take copies thereof or any part thereof;
  - (3.) He may muster the crew of the boat;
  - (4.) He may require the master to appear and give any explanation concerning his boat and her crew, and any person on board his boat, and the said certificates of registry, licenses, official logbooks, official papers, articles of agreement, muster rolls, and other documents, or any of them;
  - (5.) He may examine all sails, lights, small boats, anchors, grapnels, and fishing implements belonging to the boat;
  - (6.) He may seize any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise, which is found on board the boat or in the possession of any person belonging to the boat;
  - (7.) He may make any examination or inquiry which he deems necessary to ascertain whether any contravention of the provisions of this Act, or of any such Order of Council as aforesaid has been committed, or to fix the amount of compensation due for any damage done to another sea-fishing boat, or to any person or property on board thereof or belonging thereto, and may administer an oath for such purpose; and
  - (8.) In the case of any person who appears to him to have committed any such contravention he may, without summons, warrant, or other process, both take the offender and the boat to which he belongs and the crew thereof to the nearest or most convenient port, and bring him or them before a competent court, and detain him, it, and them in the port until the alleged contravention has been adjudicated upon.
13. For the purpose of carrying into effect the Convention, and of exercising and performing the powers and duties thereby vested in and imposed on cruiser and commanders of cruisers, a foreign sea-fishery officer may, with respect to any British sea-fishing boat, and any sea-fishery officer, whether British or foreign, may, with respect to any foreign sea fishing boat to which this Act for the time being applies, exercise any of the powers conferred by this Act on British sea-fishery officers:

Provided that—

- (a.) Nothing in this section shall authorize a sea fishery officer to do anything not authorized by the Convention; and
  - (b.) The port to which any sea-fishing boat or any person belonging thereto is taken shall, except where the nationality of such boat is not evidenced by official papers, be a port of the state to which such boat belongs.
14. (1.) A sea-fishery officer shall be entitled to the same protection in respect of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under this Act, as is given to any officer of Customs by the Customs Consolidation Act, 1876, or any Act amending the same, and (with reference to the seizure or detention of any ship) by any Act relating to the registry of British ships.
- (2.) If any person obstructs any sea-fishery officer in acting under the powers conferred by this Act, or refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by, any sea-fishery officer in pursuance of this Act, such person shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labor.

#### LEGAL PROCEEDINGS.

15. (1.) Where on the conviction of any person under this Act for an offence it appears to the court that any injury to person or property has been caused by the offence, the court may by such conviction adjudge the person convicted to pay in addition to any fine a reasonable sum as compensation for such injury, and such sum may be recovered as a fine under this Act and when recovered shall be paid to the person injured.
- (2.) Any compensation specified in a document signed in accordance with Article thirty-three of the first schedule to this Act or fixed by a sea-fishery officer in accordance with any submission to arbitration may be recovered as a simple contract debt, and in England may also be recovered as a civil debt before a court of summary jurisdiction.
- (3.) In a proceeding against any person for the recovery of such last-mentioned compensation, the formal document referred to in the said Article, or an award of a sea-fishery officer in pursuance of a submission to arbitration signed by the person liable to pay such compensation

sation, shall be sufficient evidence that such person is liable to pay the compensation specified in such document or award.

16. (1.) Offences under this Act may (save as otherwise provided) be prosecuted, and fines under this Act may be recovered in a summary manner; that is to say,—

- (a.) In England before a justice or justices, in manner provided by the Summary Jurisdiction (English) Acts;
- (b.) In Scotland in manner provided by the Summary Jurisdiction (Scotland) Acts, 1864 and 1881;
- (c.) In Ireland within the police district of Dublin metropolis in manner provided by Acts regulating the powers and duties of the justices of the peace of such district, or of the police of such district and elsewhere in Ireland in manner provided by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same;
- (d.) In the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark respectively, before any court, governor, deputy governor, deemster, jurat, or other magistrate, in the manner in which the like offences and fines are by law prosecuted and recovered, or as near thereto as circumstances admit.

(2.) If any person feels aggrieved by any conviction under this Act by a court of summary jurisdiction, or by any determination or adjudication of such court with respect to any compensation under this Act, he may, where imprisonment is awarded without the option of a fine, or the sum adjudged to be paid exceeds five pounds, appeal therefrom as follows:—

- (a.) In England the appeal shall be to Quarter Sessions in manner provided by the Summary Jurisdiction (English) Acts;
- (b.) In Ireland the appeal shall be to the court of Quarter Sessions in manner directed by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same.
- (c.) In Scotland, the Isle of Man, and the Islands of Guernsey, Jersey, Alderney and Sark, the appeal shall be to the court and in the manner in which appeals from the like convictions and determinations and adjudications are made.

17. (1.) Any document drawn up in pursuance of the first schedule to this Act shall be admissible in any proceeding, civil or criminal, as evidence of the facts or matters therein stated.

(2.) If evidence contained in any such document was taken on oath in the presence of the person charged in such evidence, and such person had an opportunity of cross-examining the person giving such evidence and of making his reply to such evidence, the sea-fishery officer drawing up such document may certify the said facts, or any of them.

(3.) Any document or certificate in this section mentioned purporting to be signed by a sea-fishery officer shall be admissible in evidence without proof of such signature, and, if purporting to be signed by any other person, shall, if certified by a sea-fishery officer to have been so signed, be deemed until the contrary is proved to have been signed by such other person.

(4.) If any person forges the signature of a sea fishery officer to any such document as above mentioned, or makes use of any such document knowing the signature thereto to be forged, such person shall be liable on summary conviction to imprisonment for a term not exceeding three months with or without hard labor, and on conviction on indictment to be imprisoned with or without hard labor for a term not exceeding two years, and the cost of the prosecution of any such person on indictment may be paid as in cases of felony.

18. For the purpose of giving jurisdiction to courts under this Act, a sea-fishing boat shall be deemed to be a ship within the meaning of any Act relating to offences committed on board a ship, and every court shall have the same jurisdiction over a foreign sea-fishing boat within the exclusive fishery limits of the British Islands, and persons belonging thereto, as such court would have if such boat were a British sea-fishing boat.

19. Service of any summons or other matter in any legal proceeding under this Act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any sea-fishing boat to which he may belong, with the person being or appearing to be in command or charge of such boat.

20. (1.) Where any offence against this Act has been committed by some person belonging to a sea-fishing boat, the master or person for the time being in charge of such boat shall in every case be liable to be deemed guilty of such offence; provided that if he proves that he issued proper orders for the observance, and used due diligence to enforce the observance of this Act, and that the offence in question was actually committed by some other person without his connivance, and that the actual offender has been convicted, or that he has taken all practicable means in his power to prosecute such offender (if alive) to conviction, he shall not be liable to any further punishment than payment of compensation for any injury caused by the offence.

(2.) Any fine or compensation adjudged under this Act may be recovered in the ordinary way, or, if the court think fit so to order, by distress or pawning and sale of the sea-fish-

ing boat to which the offender belongs, and her tackle, apparel, and furniture and any property on board thereof or belonging thereto, or any part thereof; provided that, where the boat is a foreign sea-fishing boat, the court may order that in lieu of any such distress the boat may be detained in some port in the British Islands for a period not exceeding three months from the date of the conviction, and the boat may be detained accordingly, and in such case shall not be distrained.

21. (1.) The court adjudging any fine or forfeiture under this Act may, if it think fit, direct the whole or any part thereof to be applied in or towards payment of the expenses of the proceedings; and, subject to such direction, all fines and the proceeds of all forfeitures recovered under this Act shall, notwithstanding anything in any Act relating to municipal corporations or otherwise, be paid into the Exchequer in such manner as the Commissioners of the Treasury may direct.

(2.) Forfeitures may be destroyed, sold and disposed of as the court adjudging the forfeiture may direct.

22. (1.) Nothing in this Act shall prevent any person being liable under any other Act or otherwise to any indictment, proceeding, punishment, or penalty, other than is provided for any offence by this Act, so that no person be punished twice for the same offence.

(2.) Nothing in this Act, or in any Order in Council made thereunder, nor any proceedings under such Act or Order with respect to any matter, shall alter the liability of any person in any action or suit with reference to the same matter, so that no person shall be required to pay compensation twice in respect of the same injury.

#### APPLICATION OF ACT.

23. If at any time after the commencement of this Act any convention, treaty, or arrangement respecting sea-fisheries is made between Her Majesty and any Foreign State, it shall be lawful for Her Majesty by Order in Council, to direct that all or any of the provisions of this Act shall, and the same shall accordingly (subject to the exceptions, restrictions, and conditions, if any, in the Order mentioned) apply to the said convention, treaty, or arrangement, and have effect in like manner as if the said convention, treaty, or arrangement were set forth in the first schedule to this Act, and were part of that schedule and were the Convention referred to in this Act.

24. If the provisions of this Act are applied by Order in Council to any convention, treaty, or arrangement made in substitution for the Convention set forth in the first schedule to the Sea-Fisheries Act, 1868, or for the Convention and Articles set forth in the schedule to the Act of the sixth and seventh years of the reign of Her present Majesty, chapter seventy-nine, intituled: "An Act to carry into effect the Convention between Her Majesty and the King of the French, concerning the fisheries in the seas between the British Islands and France," that last mentioned Act, shall after the date fixed by the said Order for the application of this Act be repealed, but such last mentioned Act shall, until the said date or any earlier date at which the Convention set forth in the first schedule to the Sea-Fisheries Act, 1868, comes into operation, continue in force so far as regards French sea-fishing boats and persons belonging thereto within the seas to which the said Convention and Articles set forth in the schedule thereto apply, so far as those seas are outside the exclusive fishery limits of the British Islands, and are not within the North Sea as defined in the first schedule to this Act.

25. This Act, so far as it applies to foreign sea-fishing boats outside of the exclusive fishery limits of the British Islands, and persons belonging thereto, and to foreign sea-fishery officers, shall apply only within the North Sea as defined by Article four of the first schedule to this Act, or within the seas specified in any convention, treaty, or arrangement to which this Act may be applied by Order in Council made in pursuance of this Act, and to the boats and officers of a foreign state bound by the Convention in the first schedule to this Act or by any convention, treaty, or arrangement to which this Act may be applied, but save as aforesaid this Act shall apply to the whole of the British Islands as defined by this Act, and to the seas surrounding the same, whether within or without the exclusive fishery limits of the British Islands, and the Royal Courts of Guernsey and Jersey shall register this Act in their respective courts.

#### SUPPLEMENTAL.

26. Orders in Council made in pursuance of this Act shall be published in the *London Gazette*, or otherwise published in such manner as the Board of Trade may direct for such sufficient time before they come into force as to prevent inconvenience.

27. The reference in section eighteen of the Sea-Fisheries Act, 1868, to section two hundred of the Customs Consolidation Act, 1853, shall be construed to refer to section one hundred and seventy of the Customs Consolidation Act, 1876.

28. In this Act,—

The expression “sea-fishing” shall not include fishing for salmon as defined by any Act relating to salmon, but save as aforesaid, means the fishing for every description both of fish, and shell fish, found in the seas to which this Act applies; and the expression “sea fisherman” and other expressions relating to sea-fishing shall be construed accordingly:

The expression “sea-fishing boat” includes every vessel of whatever size, and in whatever way propelled, which is used by any person in sea-fishing, or in carrying on the business of a sea fisherman:

The expression “fishing implement” means any net, line, float, barrel, buoy, or other instrument, engine, or implement used or intended to be used for the purpose of sea-fishing:

The expression “British Islands” includes the United Kingdom of Great Britain and Ireland, the Isle of Man, the Islands of Guernsey, Jersey, Alderney, and Sark, and their dependencies:

The expression “exclusive fishery limits of the British Islands” means that portion of the seas surrounding the British Islands within which Her Majesty’s subjects, have by international law, the exclusive right of fishing, and where such portion is defined by the terms of any convention, treaty or arrangement for the time being in force between Her Majesty and any foreign state, includes, as regards the sea-fishing boats and officers and subjects of that state, the portion so defined:

The expression “the Admiralty” means the Lord High Admiral for the time being of the United Kingdom of Great Britain and Ireland, or any two or more of the Commissioners for executing the office of Lord High Admiral of the United Kingdom:

The expression “Consular officer” includes Consul-General, Consul and Vice-Consul, and any person for the time being discharging the duties of Consul-General, Consul or Vice-Consul:

The expression “person” includes a body of persons corporate or unincorporate:

The expression “court” includes any tribunal or magistrate exercising jurisdiction under this Act.

29. This Act shall come into force on such day as may be fixed by a notice in that behalf published in the *London Gazette*, which day is in this Act referred to as the commencement of this Act.

30. (1.) After the commencement of this Act the Acts specified in the first part of the second schedule to this Act shall be repealed to the extent specified in the third column of that schedule.

(2.) After the commencement of this Act the Acts specified in the second part of the second schedule to this Act shall be repealed to the extent specified in the third column of that schedule:

Provided that, until the date hereinafter mentioned at which such repeal takes full effect, the repeal of the enactments specified in the said second part shall, except within the North Sea as defined by the first schedule to this Act, be subject to the following limitations:

- (a.) The repeal shall not extend to section twelve of the Sea-Fisheries Act, 1868 (which section relates to oyster fishing), nor to the recovery of any penalty for a violation of that section;
- (b.) The repeal shall extend only to officers and boats within the exclusive fishery limits of the British Islands and to British sea-fishing boats when outside the exclusive fishery limits of the British Islands;
- (c.) The repeal shall not affect the power of French sea-fishery officers and French courts over British sea-fishing boats when outside the exclusive fishery limits of the British Islands, or the power of British and French sea-fishery officers and British courts over French sea fishing boats brought within the exclusive fishery limits of the British Islands for offences committed outside those limits;
- (d.) The repeal shall not alter the power of receiving as evidence any depositions, minutes, and other documents which by the said Act are made receivable as evidence;
- (e.) If the convention set forth in the first schedule to the Sea-Fisheries Act, 1868, comes into operation, then, upon notice thereof being given in the *London Gazette*, the said enactments shall, subject to the provisions of this section, be in force for the purposes of such convention.

If this Act is applied by Order in Council to French sea-fishery officers and French sea-fishing boats within the seas to which the convention set forth in the first schedule to the Sea-Fisheries Act, 1868, applies, the said repeal of the enactments specified in the second part of the second schedule to this Act shall take full effect as from the date at which such application of this Act takes effect.

(3.) The repeal of any enactment by this Act shall not affect anything duly done or suffered, or any liability, penalty, forfeiture, or punishment incurred under any enactment hereby repealed, and any legal proceeding or remedy in respect of such liability, penalty, forfeiture, or punishment may be carried on as if this Act had not passed.

31. So much of this Act as has effect outside of the exclusive fishery limits of the British Islands shall, if the convention ceases to be binding on Her Majesty, cease to apply to the boats and officers of any foreign state bound by the Convention, and if the Convention ceases to be binding on any foreign state shall cease to apply to the boats and officers of such state, but subject as aforesaid this Act shall continue in force notwithstanding the determination of the Convention.

## SCHEDULES.

### FIRST SCHEDULE.

INTERNATIONAL CONVENTION for the purpose of regulating the Police of the Fisheries in the North Sea outside Territorial Waters.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; His Majesty the Emperor of Germany, King of Prussia; His Majesty the King of the Belgians; His Majesty the King of Denmark; the President of the French Republic; and His Majesty the King of Netherlands, having recognized the necessity of regulating the police of the fisheries in the North Sea, outside territorial waters, have resolved to conclude for this purpose a convention, and have named their Plenipotentiaries as follows:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honorable William Stuart, Companion of the Most Honorable Order of the Bath, &c., Her Envoy Extraordinary and Minister Plenipotentiary at the Hague; Charles Malcolm Kennedy, Esq., Companion of the Most Honorable Order of the Bath, &c., Head of the Commercial Department of the Foreign Office; and Charles Cecil Trevor, Esq., Barrister at Law, Assistant Secretary to the Board of Trade, &c.;

His Majesty the Emperor of Germany, King of Prussia, Veit Richard von Schmidthals, Knight of the Order of the Red Eagle of the Third Class, and of the Order of St. John, &c., Councillor of Legation, his Chargé d'Affaires at the Hague; and Peter Christian Kinch Donner, Knight of the Order of the Red Eagle of the fourth class with the Sword, and of the Crown of the fourth class, &c., his Councillor of State, Captain in the Navy, on the Reserve;

His Majesty the King of the Belgians, the Baron d'Anethan, Commander of the Order of Leopold, &c., his Envoy Extraordinary and Minister Plenipotentiary at the Hague; and M. Léopold Orban, Commander of the Order of Leopold, &c., his Envoy Extraordinary and Minister Plenipotentiary, Director-General of the Political Department in the Ministry of Foreign Affairs;

His Majesty the King of Denmark, Carl Adolph Brunn, Knight of the Order of the Danebrog, &c., Captain in the Navy;

The President of the French Republic, the Count Lefébvre de Béhaine, Commander of the National Order of the Legion of Honor, &c., Envoy Extraordinary and Minister Plenipotentiary of the French Republic at the Hague; and M. Gustave Emile Mancel, Officer of the National Order of the Legion of Honor, &c., Commissary of Marine;

His Majesty the King of the Netherlands, the Jonkheer Willem Frederik Rochussen, Commander of the Order of the Lion of the Netherlands, &c., his Minister of Foreign Affairs; and Eduard Nicolaas Rahusen, Knight of the Order of the Lion of the Netherlands, &c., President of the Committee for Sea-Fisheries;

Who, after having communicated the one to the other their full powers, found in good and due form, have agreed upon the following articles:—

#### ARTICLE I.

The provisions of the present Convention, the object of which is to regulate the police of the fisheries in the North Sea outside territorial waters, shall apply to the subjects of the High Contracting Parties.

#### ARTICLE II.

The fishermen of each country shall enjoy the exclusive right of fishery within the distance of three miles from low water mark along the whole extent of the coasts of their respective countries as well as of the dependent islands and banks.

As regards bays, the distance of three miles shall be measured from a straight line drawn across the bay, in the part nearest the entrance, at the first point where the width does not exceed ten miles.

The present Article shall not in any way prejudice the freedom of navigation and anchorage in territorial waters accorded to fishing boats, provided they conform to the special police regulations enacted by the powers to whom the shore belongs.

#### ARTICLE III.

The miles mentioned in the preceding Article are geographical miles, whereof sixty make a degree of latitude.

#### ARTICLE IV.

For the purpose of applying the provisions of the present Convention, the limits of the North Sea shall be fixed as follows:

1. On the north by the parallel of the 61st degree of latitude;
2. On the east and south :
  - (1.) By the coasts of Norway between the parallel of the 61st degree of latitude and Lindesnaes Lighthouse (Norway);
  - (2.) By a straight line drawn from Lindesnaes Lighthouse (Norway) to Hanstholm Lighthouse (Denmark);
  - (3.) By the coasts of Denmark, Germany, the Netherlands, Belgium, and France, as far as Gris Nez Lighthouse;
3. On the west :—
  - (1.) By a straight line drawn from Gris Nez Lighthouse (France) to the easternmost lighthouse at South Foreland (England);
  - (2.) By the eastern coasts of England and Scotland;
  - (3.) By a straight line joining Duncansby Head (Scotland) and the southern point of South Ronaldsha (Orkney Islands);
  - (4.) By the eastern coasts of the Orkney Islands;
  - (5.) By a straight line joining North Ronaldsha Lighthouse (Orkney Islands) and Sumburgh Head Lighthouse (Shetland Islands);
  - (6.) By the eastern coasts of the Shetland Islands;
  - (7.) By the meridian of North Unst Lighthouse (Shetland Islands) as far as the parallel of the 61st degree of latitude.

#### ARTICLE V.

The fishing boats of the high contracting parties shall be registered in accordance with the administrative regulations of each country. For each port there shall be a consecutive series of numbers, preceded by one or more initial letters, which shall be specified by the superior competent authority.

Each government shall draw up a list showing these initial letters.

This list, together with all modifications which may subsequently be made in it, shall be notified to the other contracting powers.

#### ARTICLE VI.

Fishing boats shall bear the initial letter or letters of the port to which they belong, and the registry number in the series of numbers for that port.

#### ARTICLE VII.

The name of each fishing boat, and that of the port to which she belongs, shall be painted in white oil colour on a black ground on the stern of the boat, in letters which will be at least 8 centim. in height and 12 millim. in breadth.

#### ARTICLE VIII.

The letter or letters and numbers shall be placed on each bow of the boat, eight or ten centim. below the gunwale, and so as to be clearly visible. They shall be painted in white oil colour on a black ground.

The distance above mentioned shall not, however, be obligatory for boats of small burden, which may not have sufficient space below the gunwale.

For boats of fifteen tons burden and upwards the dimensions of the letters and numbers shall be forty-five centim. in height and 6 centim. in breadth.

For boats of less than fifteen tons burden the dimensions shall be twenty-five centim. in height and 4 centim. in breadth.

The same letter or letters and numbers shall also be painted on each side of the main-sail of the boat, immediately above the close reef, in black oil colour on white or tanned sails, and in white oil colour on black sails.

The letter or letters and numbers on the sails shall be one-third larger in every way than those placed on the bows of the boat.

#### ARTICLE IX. :

Fishing boats may not have, either on their outside or on their sails, any names, letters, or numbers other than those prescribed by Articles VI, and VII, and VIII, of the present Convention.

#### ARTICLE X.

The names, letters, and numbers placed on the boats and on their sails shall not be effaced, altered, made illegible, covered, or concealed in any manner whatsoever.

#### ARTICLE XI.

All the small boats, buoys, principal floats, trawls, grapnels, anchors, and generally all fishing implements, shall be marked with the letter or letters and numbers of the boats to which they belong.

These letters and numbers shall be large enough to be easily distinguished. The owners of the nets or other fishing implements may further distinguish them by any private marks they think proper.

#### ARTICLE XII.

The master of each boat must have with him an official document, issued by the proper authority in his own country, for the purpose of enabling him to establish the nationality of the boat.

This document must always give the letter or letters and number of the boat, as well as her description and the name or names of the owner or the name of the firm or association to which she belongs.

#### ARTICLE XIII.

The nationality of a boat must not be concealed in any manner whatsoever.

#### ARTICLE XIV.

No fishing boat shall anchor, between sunset and sunrise, on grounds where drift-net fishing is actually going on.

This prohibition shall not, however, apply to anchorings which may take place in consequence of accidents or of any other compulsory circumstances.

#### ARTICLE XV.

Boats arriving on the fishing grounds shall not either place themselves or shoot their nets in such a way as to injure each other, or as to interfere with fishermen who have already commenced their operations.

#### ARTICLE XVI.

Whenever, with a view of drift-net fishing, decked boats and undecked boats commence shooting their nets at the same time, the undecked boats shall shoot their nets to windward of the decked boats.

The decked boats, on their part, shall shoot their nets to leeward of the undecked boats.

As a rule, if decked boats shoot their nets to windward of undecked boats which have begun fishing, or if undecked boats shoot their nets to leeward of decked boats which have begun fishing, the responsibility as regards any damages to nets which may result shall rest with the boats which last began fishing, unless they can prove that they were under stress of compulsory circumstances, or that the damage was not caused by their fault.

## ARTICLE XVII.

No net or any other fishing engine shall be set or anchored on grounds where drift-net fishing is actually going on.

## ARTICLE XVIII.

No fisherman shall make fast or hold on his boat to the nets, buoys, floats, or any other part of the fishing tackle of another fisherman.

## ARTICLE XIX.

When trawl fishermen are in sight of drift-net or of long-line fishermen, they shall take all necessary steps in order to avoid doing injury to the latter. Where damage is caused, the responsibility shall lie on the trawlers, unless they can prove that they were under stress of compulsory circumstances, or that the loss sustained did not result from their fault.

## ARTICLE XX.

When nets belonging to different fishermen get foul of each other, they shall not be cut without the consent of both parties.

All responsibility shall cease if the impossibility of disengaging the nets by any other means is proved.

## ARTICLE XXI.

When a boat fishing with long lines entangles her lines in those of another boat, the person who hauls up the lines shall not cut them except under stress of compulsory circumstances, in which case any line which may be cut shall be immediately joined together again.

## ARTICLE XXII.

Except in cases of salvage and the cases to which the two preceding articles relate, no fisherman shall, under any pretext whatever, cut, hook, or lift up nets, lines, or other gear not belonging to him.

## ARTICLE XXIII.

The use of any instrument or engine which serves only to cut or destroy nets is forbidden. The presence of any such engine on board a boat is also forbidden.

The high contracting parties engage to take the necessary measures for preventing the embarkation of such engines on board fishing boats.

## ARTICLE XXIV.

Fishing boats shall conform to the general rules respecting lights which have been, or may be, adopted by mutual arrangement between the high contracting parties with the view of preventing collisions at sea.

## ARTICLE XXV.

All fishing boats, all their small boats, all rigging gear or other appurtenances of fishing boats, all nets, lines, buoys, floats, or other fishing implements whatsoever found or picked up at sea, whether marked or unmarked, shall as soon as possible be delivered to the competent authority of the first port to which the salving boat returns or puts in.

Such authority shall inform the consul or consular agent of the country to which the boat of the salvor belongs, and of the nation of the owner of the articles found. They (the same authority) shall restore the articles to the owners thereof or to their representatives, as soon as such articles are claimed and the interests of the salvors have been properly guaranteed.

The administrative or judicial authorities, according as the laws of the different countries may provide, shall fix the amount which the owners shall pay to the salvors.

It is, however, agreed that this provision shall not in any way prejudice such conventions respecting this matter as are already in force, and that the high contracting parties reserve the right of regulating, by special arrangements between themselves, the amount of salvage at a fixed rate per net salvaged.

Fishing implements of any kind found unmarked shall be treated as wreck.



## ARTICLE XXVI.

The superintendence of the fisheries shall be exercised by vessels belonging to the national navies of the high contracting parties. In the case of Belgium, such vessels may be vessels belonging to the State, commanded by captains who hold commissions.

## ARTICLE XXVII.

The execution of the regulations respecting the document establishing nationality, the marking and numbering of boats, &c., and of fishing implements, as well as the presence on board of instruments which are forbidden (Articles VI, VII, VIII, IX, X, XI, XII, XIII, and XXIII, § 2), is placed under the exclusive superintendence of the cruisers of the nation of each fishing boat.

Nevertheless, the commanders of cruisers shall acquaint each other with any infractions of the above mentioned regulations committed by the fishermen of another nation.

## ARTICLE XXVIII.

The cruisers of all the high contracting parties shall be competent to authenticate all infractions of the regulations prescribed by the present convention, other than those referred to in Article XXVII, and all offences relating to fishing operations, whichever may be the nation to which the fishermen guilty of such infractions may belong.

## ARTICLE XXIX.

When the commanders of cruisers have reason to believe that an infraction of the provisions of the present convention has been committed, they may require the master of the boat inculpated to exhibit the official document establishing her nationality. The fact of such document having been exhibited shall then be endorsed upon it immediately.

The commanders of cruisers shall not pursue further their visit or search on board a fishing boat which is not of their own nationality, unless it should be necessary for the purpose of obtaining proof of an offence or of a contravention of regulations respecting the police of the fisheries.

## ARTICLE XXX.

The commanders of the cruisers of the Signatory Powers shall exercise their judgment as to the gravity of facts brought to their knowledge, and of which they are empowered to take cognizance, and shall verify the damage, from whatever cause arising, which may be sustained by fishing boats of the nationalities of the high contracting parties.

They shall draw up, if there is occasion for it, a formal statement of the verification of the facts as elicited both from the declarations of the parties interested and from the testimony of those present.

The commander of the cruiser may, if the case appears to him sufficiently serious to justify the step, take the offending boat into a port of the nation to which the fishermen belong. He may even take on board the cruiser a part of the crew of the fishing boat in order to hand them over to the authorities of her nation.

## ARTICLE XXXI.

The formal statement referred to in the preceding Article shall be drawn up in the language of the commander of the cruiser, and according to the forms in use in his country.

The accused and the witnesses shall be entitled to add, or to have added, to such statement, in their own language, any observations or evidence which they may think suitable. Such declarations must be duly signed.

## ARTICLE XXXII.

Resistance to the directions of commanders of cruisers charged with the police of the fisheries, or of those who act under their orders, shall, without taking into account the nationality of the cruiser, be considered as resistance to the authority of the nation of the fishing boat.

## ARTICLE XXXIII.

When the act alleged is not of a serious character, but has nevertheless caused damage to any fisherman, the commanders of cruisers shall be at liberty, should the parties concerned agree to it, to arbitrate at sea between them, and to fix the compensation to be paid.

Where one of the parties is not in a position to settle the matter at once, the commanders shall cause the parties concerned to sign in duplicate a formal document specifying the compensation to be paid.

One copy of this document shall remain on board the cruiser, and the other shall be handed to the master of the boat to which the compensation is due, in order that he may, if necessary, be able to make use of it before the courts of the country to which the debtor belongs.

Where, on the contrary, the parties do not consent to arbitration, the commanders shall act in accordance with the provisions of Article XXX.

## ARTICLE XXXIV.

The prosecutions for offences against, or contraventions of, the present convention shall be instituted by, or in the name of, the State.

## ARTICLE XXXV.

The high contracting parties engage to propose to their respective Legislatures the necessary measures for insuring the execution of the present convention, and particularly for the punishment by either fine or imprisonment, or by both, of persons who may contravene the provisions of Articles VI to XXIII inclusive.

## ARTICLE XXXVI.

In all cases of assault committed, or of wilful damage or loss inflicted, by fishermen of one of the contracting countries upon fishermen of another nationality, the courts of the country to which the boats of the offenders belong shall be empowered to try them.

The same rule shall apply with regard to offences against, and contraventions of, the present convention.

## ARTICLE XXXVII.

The proceedings and trial in cases of infraction of the provisions of the present convention shall take place as summarily as the laws and regulations in force will permit.

## ARTICLE XXXVIII.

The present convention shall be ratified. The ratifications shall be exchanged at the Hague as soon as possible.

## ARTICLE XXXIX.

The present convention shall be brought into force from and after a day to be agreed upon by the high contracting parties.

The convention shall continue in operation for five years from the above day; and, unless one of the high contracting parties shall, twelve months before the expiration of the said period of five years, give notice of intention to terminate its operation, shall continue in force one year longer, and so on from year to year. If, however, one of the Signatory Powers should give notice to terminate the convention, the same shall be maintained between the other contracting parties, unless they give a similar notice.

## ADDITIONAL ARTICLE.

The Government of His Majesty the King of Sweden and Norway may adhere to the present convention, for Sweden and for Norway, either jointly or separately.

This adhesion shall be notified to the Netherlands Government, and by it to the other Signatory Powers.

In witness whereof the Plenipotentiaries have signed the present convention, and have affixed thereto their seals.

Done at the Hague, in six copies, the 6th May, 1882.

(L.S.)	W. STUART.
(L.S.)	C. M. KENNEDY.
(L.S.)	C. CREIL TREVOR.
(L.S.)	V. SCHMIDTALS.
(L.S.)	CHE. DONNER.
(L.S.)	BON A. D'ANETHAN.
(L.S.)	LÉOPOLD ORBAN.
(L.S.)	C. BRUUN.
(L.S.)	Cte LEFÈVRE DE BÉHAINE.
(L.S.)	EM. MANCÉL.
(L.S.)	ROCHUSSEN.
(L.S.)	E. N. RAHUSEN.

## SECOND SCHEDULE.

## ENACTMENTS REPEALED.

A description or citation of an Act in this schedule is inclusive of the word, section, or other part first and last-mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion described in the description or citation.

PART I.—*Enactments wholly repealed.*

Session and Chapter.	Title.	Extent of Repeal.
6 & 7 Vic., c. 79....	An Act to carry into effect a Convention between Her Majesty and the King of the French concerning the Fisheries in the Seas between the British Islands and France.	So much of the schedule thereto as prohibits any French fishing-boat from approaching nearer to any part of the Coast of the United Kingdom than the limit of three miles, and so much of the rest of the Act as relates to the portion of the schedule hereby repealed.
31 & 32 Vic., c. 45.	The Sea Fisheries Act, 1868.....	Section twenty-five. Section fifty-eight, from "in manner directed by law" to "the appeal shall be made," and from "for the county or place" to "costs to be paid by either party."
40 & 41 Vic., c. 42.	The Fisheries (Oyster, Crab, and Lobster) Act, 1877.	Section seventy-one and the second schedule. Section fifteen.

PART II.—*Enactments repealed provisionally.*

Session and Chapter.	Title.	Extent of Repeal.
31 & 32 Vic., c. 45..	The Sea Fisheries Act, 1868 .....	Sections three and four. Section five, from "the term consular officer" to "construed to mean consular officer." Sections six to sixteen. Sections twenty and twenty-one. Section fifty-nine. Section sixty-one. Section sixty-three, from the beginning of the section to "the satisfaction of the court." The first schedule, except articles four to eight, article thirty-one, and the Declaration and List of Ports annexed to the Convention.
38 Vic., c. 15.....	An Act to amend the Sea Fisheries Act, 1868.	Section three.

[Enclosure No. 3.]

ANNO TRICESIMO PRIMO ET TRICESIMO SECONDO

VICTORIÆ REGINÆ.

CAP. XLV.

An Act to carry into effect a Convention between Her Majesty and the Emperor of the French concerning the Fisheries in the Seas adjoining the British Islands and France, and to amend the Laws relating to British Sea-Fisheries.

[13th July, 1868.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

## PART I.

## PRELIMINARY.

1. This Act shall be divided into Parts as follows:—

- Part I. Preliminary.
- Part II. Sea-Fishery Convention.
- Part III. Oyster Fisheries.
- Part IV. Legal Proceedings.
- Part V. Miscellaneous.

2. This Act may be cited as The Sea-Fisheries Act, 1868.

3. This Act shall (except as in this Act expressly otherwise provided) come into force on such day as may be fixed by a notice in that behalf published in the *London Gazette*, which day is in this Act referred to as the commencement of this Act.

4. So much of this Act as relates to French subjects or French sea-fishing boats outside of the exclusive Fishery Limits of the British Islands, and as gives powers to French sea-fishery officers, shall, on the determination of the Convention set out in the first schedule to this Act, cease to apply to French subjects, boats and officers; but, subject as aforesaid, this Act shall continue in force notwithstanding the determination of that Convention.

5. In this Act—

The term "sea-fish" does not include salmon, as defined by the Act relating to salmon, but, save as aforesaid, includes every description both of fish and of shell-fish which is found in the seas to which this Act applies; and "sea-fishing," "sea-fisherman," and other expressions referring to sea-fish shall in this Act be construed to refer only to sea-fish as before defined:

The term "sea-fishing boat" includes every vessel of whatever size, and in whatever way propelled, which is used by any person in sea-fishing, or in carrying on the business of a sea-fisherman:

The term "British Islands" includes the United Kingdom of Great Britain and Ireland, the Isle of Man, the Islands of Guernsey, Jersey, Alderney and Sark, and their dependencies; and the terms "Great Britain and Ireland" and "United Kingdom," as used in the first schedule to this Act, shall be construed to mean the "British Islands" as herein defined:

The terms "exclusive fishery limits of the British Islands" and "exclusive fishery limits of France" mean the limits within which the exclusive right of fishing is by article one of the first schedule to this Act reserved to British subjects and French subjects respectively:

The term "Consular Officer" includes Consul General, Consul and Vice-Consul, and any person for the time being discharging the duties of Consul General, Consul or Vice-Consul; and the term "Consular Agent" in the first schedule to this Act shall be construed to mean Consular Officer:

The Term "Court" includes any tribunal or magistrate exercising jurisdiction under this Act:

The Term "person" includes a body corporate:

The Term "the Irish Fishery Commissioners" means the Commissioners acting in execution of the Act of the Session of the fifth and sixth years of the Reign of Her present Majesty, Chapter one hundred and six, intituled: "An Act to regulate the Irish Fisheries," and the Acts amending the same.

## PART II.

## CONVENTION AND FISHERIES.

*General Provisions.*

6. The Convention set out in the First Schedule to this Act (referred to in this Act as the Convention) is hereby confirmed, and the Articles thereof and the Declaration thereto annexed shall be of the same force as if they were enacted in the body of this Act.

7. It shall be lawful for Her Majesty from time to time, by Order in Council, to make, alter, and revoke regulations for carrying into execution this Act and the intent and the object thereof, and for the maintenance of good order among sea-fishing boats, and the persons belonging thereto, and to impose penalties not exceeding ten pounds for the breach of such regulations.

8. The following persons shall have authority to enforce the provisions of this Act and of any Order in Council made thereunder; namely, every officer or appointed by the Board of Trade, every commissioned officer of any of Her Majesty's ships on full pay, every British Consular Officer, every collector and principal officer of customs in any place in the British Islands, every inspecting commander of the coast guard, every principal officer of a coast guard station, and every commander of any vessel belonging to the French Government, and every person appointed by the French Government to superintend the fisheries referred to in the Convention; and such persons are in this Act referred to as sea-fishery officers.

9. A sea-fishery officer, for the purpose of enforcing the provisions of this Act and of any Order in Council made thereunder, may, with respect to any sea-fishing boat within the exclusive fishery limits of the British Islands, and with respect to any British or French sea-fishing boat outside of those limits, in the seas to which this Act applies, exercise the following powers:

- (1.) He may go on board it:
- (2.) He may require the owner, master, and crew, or any of them, to produce any Certificates of registry, licenses, official log books, official papers, articles of agreement, muster rolls, and other documents relating to the boat or to the crew, or to any member thereof, or to any person on board the boat, which are in their respective possession or control on board the boat, and may take copies thereof or of any part thereof:
- (3.) He may muster the crew of the boat.
- (4.) He may require the master to appear and give any explanation concerning his boat and her crew, and any person on board his boat, and the said certificates of registry, licenses, official log books, official papers, articles of agreement, muster rolls, and other documents, or any of them:
- (5.) He may examine all sails, buoys, barrels, floats, nets, and implements of fishing belonging to the boat:
- (6.) He may make any examination and enquiry which he deems necessary to ascertain whether the provisions of this Act, or of any Order in Council made thereunder, are complied with:
- (7.) He may, in the case of any person who has committed any of the acts constituted offences by this part of this Act, or by any Order in Council made thereunder without summons, warrant, or other process, both take the offender and the boat to which he belongs, and the crew thereof, to the nearest or most convenient port, and bring him or them before a competent Court, and, subject to Article Twenty-seven of the convention, detain him, it, and them in the port until the alleged Offence has been adjudicated upon.

10. A sea-fishery officer shall be entitled to the same protection in respect of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under this Act as is given to any Officer of Customs by the Customs Consolidation Act, 1853, and (with reference to the seizure or detention of any ship) by any Act relating to the Registry of British ships.

*Fishery Regulations.*

11. If any person obstructs any sea-fishery officer in acting under the powers conferred by this Act, or refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by, any sea-fishery officer in pursuance of this Act, such Person shall be deemed to have committed an Offence against the Fishery Regulations of this Act.

12. If any person belonging to a sea-fishing boat which is either British or French acts in

contravention of Article eleven of the First Schedule to this Act, such person shall be deemed to have committed an offence against the Fishery Regulations of this Act.

13. If within the exclusive fishery limits of the British Islands any person, or if outside of those limits any person belonging to a sea-fishing boat which is either British or French, acts in contravention of Articles twelve, fifteen, sixteen, seventeen, nineteen, twenty and twenty-one of the First Schedule to this Act, or any of them, or causes injury to any person in any one or more of the following ways, namely, by assaulting any one belonging to another sea-fishing boat, or by causing damage to another sea-fishing boat, or to any property on board thereof or belonging thereto, such person shall be deemed to have committed an offence against the Fishery Regulations of this Act.

14. Every person who has committed an offence against the Fishery Regulations of this Act within the exclusive fishery limits of the British Islands, and every person belonging to a British sea-fishing boat who has committed an offence against those regulations outside of those limits, shall be liable to a penalty of not less than eight shillings and not more than fifty pounds, or, in the discretion of the court, to imprisonment for not less than two days and not more than three months, with or without hard labor.

If the offence is one by which some injury has been caused in any of the ways before mentioned the court may order the offender to pay in addition to any penalty a reasonable sum as compensation to the person injured, which sum may be recovered in the same manner as a penalty under this Act.

15. Where a person belonging to a French sea-fishing boat has committed, outside of the exclusive fishery limits of the British Islands, an offence against the Fishery Regulations of this Act, he shall, after the evidence is taken as provided by this Act, be sent back to France for trial.

#### *Exclusive Fishery Limits.*

16. If any person belonging to a French sea-fishing boat acts in contravention of Articles thirty-two, thirty-three and thirty-five of the First schedule to this Act, or any of them, the master or person for the time being in charge of such boat shall be liable for the first offence to a penalty not exceeding ten pounds; for the second or any subsequent offence to a penalty not exceeding twenty pounds.

And the Court may order that in default of payment of any such penalty the boat to which the offender belongs may be detained in some port of the British Islands for a period not exceeding three months from the date of the sentence inflicting the penalty.

#### *Entry of Boats and sale of Fish.*

17. Article thirty-one of the Convention and the Declaration annexed to the Convention shall not come into force until such day as may be fixed in that behalf by a notice published in the *London Gazette*.

18. The Commissioners of Her Majesty's Customs may from time to time make, alter and revoke regulations for carrying into effect Article thirty-one of the Convention, and respecting the report of British sea-fishing boats which have visited foreign ports, and of sea-fishing boats which are not British, and respecting the entry and landing of fish taken by sea-fishing boats which are not British, or respecting any of such matters, and may for such purpose alter and dispense with all or any of the regulations and enactments relating to the aforesaid matters which are contained in this or any other Act, or are otherwise from time to time in force.

The regulations so made shall be deemed to be regulations within the meaning of Section two hundred of the Customs Consolidation Act, 1853.

19. After the commencement of this Act all restrictions whatever, in England, on the sale of sea-fish, as defined by this Act, which is not diseased, unsound, unwholesome, or unfit for the food of man, shall be abolished.

#### *Lights.*

20. Articles thirteen and fourteen of the First Schedule to this Act shall, as to all sea-fishing boats within the exclusive fishery limits of the British Islands, and as to British sea-fishing boats outside of these limits, have the same force as if they were regulations within the meaning of the Acts relating to merchant shipping, with this addition, that any sea-fishery officer shall have the same powers of enforcing such regulations as are given to any officer by such Acts, and any infringement of the regulations contained in Articles thirteen and fourteen shall be deemed an offence within the meaning of the portion of this Act which gives power to sea-fishery officers.

21. The boats and Articles specified in Article twenty-two of the First Schedule to this Act shall be deemed to be included in the term "wreck" as used in any Act relating to Merchant Shipping.

*Registry of Sea-Fishing Boats.*

22. Subject to any exemptions allowed by or in pursuance of any Order in Council made as hereinafter mentioned every British sea-fishing boat shall, as required by Articles four, five, six, seven, and eight of the Convention, be lettered and numbered and have official papers, and shall for that purpose be entered or registered in a register for sea-fishing Boats.

A British sea-fishing boat which is required to be entered or registered in pursuance of this part of this Act, but is not so entered or registered, shall not be entitled to any of the privileges or advantages of a British sea-fishing boat, but all obligations, liabilities, and penalties with reference to such boat, and the punishment of offences committed on board her, or by any persons belonging to her, and the jurisdiction of officers and courts, shall be the same as if such boat were actually so entered or registered.

If any British sea-fishing boat required to be entered or registered in pursuance of this part of this Act, and not being so entered or registered, is used as a sea-fishing boat in the seas to which this Act applies, the owner and the master of such boat shall each be liable to a penalty not exceeding twenty pounds; and any sea-fishery officer may seize detain such boat and prevent it from going to sea and from sea-fishing until it is duly entered or registered, and may for that purpose, if it is at sea, take it back into the nearest or most convenient port in the British Islands.

23. It shall be lawful for Her Majesty by Order in Council from time to time to do all or any of the following things; namely:

- (a.) To make regulations for carrying out, enforcing, and giving effect to both the entry and registry of British sea-fishing boats, and also Articles four, five, six, seven, and eight of the first schedule to this Act:
- (b.) To adopt in such regulations any existing system of registry or lettering and numbering of boats, and to provide for bringing any such system into conformity with the requirements of the Convention and this Act, and with the said regulations:
- (c.) To define the boats or classes of boats to which such regulations or any of them are to apply, and to provide for the exemption of any boats or classes of boats from such regulations or any of them, and from the provisions of this part of this Act with respect to entry or registry and the possession of a certificate of registry and official papers:
- (d.) To apply to the entry and registry respectively of sea-fishing boats so defined, and to all matters incidental thereto, such (if any) of the enactments contained in any Act relating to the registry of British ships, and with such modifications and alterations as may be found desirable:
- (e.) To impose penalties not exceeding twenty pounds for the breach of any regulations made by any Order in Council, for the breach of which a punishment cannot be provided by the application of the enactments contained in any Act relating to the registry of British ships:
- (f.) To alter and revoke an order so made:

And every such order shall be of the same force as if it were enacted in this Act.

24. In all proceedings against the owner or master of or any person belonging to any boat registered or entered in the register for sea-fishing boats for offences against the Fishery Regulations or Regulations as to Lights in this Act, and in all actions or suits for the recovery of damages for injury done by any such boat, such register, or the register under any Act relating to the registry of British ships as to boats registered therein, shall be conclusive evidence that the persons registered at any date as owners of such boat were at that date owners thereof, and that the boat is a British sea-fishing boat: Provided that—

- (1.) This provision shall not prevent any proceedings, action, or suit being taken or instituted against any person not registered who is not beneficially interested in the boat:
- (2.) This provision shall not affect the rights of the owners among themselves, or the rights of any registered owner against any person not registered who is beneficially interested in the boat:
- (3.) Save as aforesaid, entry or registry in the register for sea-fishing boats shall not confer, take away or affect any title to or interest in any sea-fishing boat.

25. The two hundred and seventh section of the Customs Consolidation Act, 1853, shall not apply to any British sea fishing boat entered or registered in pursuance of this part of this Act.

26. Subject to any exemptions allowed by or in pursuance of such Order in Council, the master of every sea-fishing boat within the exclusive fishery limits of the British Islands, and of every British sea-fishing boat outside of those limits, shall have on board his boat, if it is a British sea-fishing boat required by this part of this Act to be entered or registered, the certificate of registry or official papers issued to the boat in pursuance of any Act relating to the registry of British ships, or of this part of this Act, and if it is not British, then official papers evidencing the nationality of such boat.

The master of any such boat who acts in contravention of this section, unless there is a reasonable cause for not having such certificate or official papers (proof whereof shall lie on him), shall be liable, together with his boat and crew, to be taken by any sea-fishery officer, without warrant, summons, or other process, into the nearest or most convenient port, and there to be ordered by the court, on any proceeding in a summary manner, to pay a penalty not exceeding twenty pounds, and if such penalty is not paid, and the boat is not British, such boat may be detained in port for a period not exceeding three months from the date of the sentence.

### PART III.

#### OYSTER FISHERIES.

##### *Preliminary.*

27. This part of this Act shall not interfere with the jurisdiction or powers now possessed by the Irish Fishery Commissioners with regard to oyster fisheries, and shall not apply to Ireland, the Isle of Man, or the Islands of Guernsey, Jersey, Alderney or Sark, or their dependencies, or to the seas adjoining the same, within the exclusive fishery limits of the British Islands, or to any seas outside of those exclusive fishery limits.

28. In this part of this Act the words "oysters" and "mussels" respectively include the brood, ware, half-ware, spat and spawn of oysters and mussels respectively.

In this part of the Act the expression "oyster or mussel fishery" includes a fishery for either oysters or mussels separately, and the term "oyster and mussel fishery" includes a fishery for both oysters and mussels; and the provisions of this part of this Act shall be construed to apply in the case of any fishery to oysters and oyster ground and beds alone, or to mussels and mussel ground and beds alone, or to both oysters and mussels and oyster and mussel ground and beds, according as the right of fishery is for oysters alone, or for mussels alone, or for both oysters and mussels.

##### *Order for Fishery.*

29. An order for the establishment or improvement, and for the maintenance and regulation, of an oyster and mussel fishery on the shore and bed of the sea, or of an estuary or tidal river, above or below, or partly above and partly below, low-water mark (which shore and bed are in this part of this Act referred to as the sea shore), and including, if desirable, provisions for the constitution of a board or body corporate for the purpose of such order, may be made under this part of this Act, on an application by a memorial in that behalf presented to the Board of Trade by any persons desirous of obtaining such an order (which persons are in this part of this Act referred to as the promoters).

30. If on consideration of the memorial the Board of Trade think fit to proceed in the case, the promoters shall cause printed copies of the draft of the order as proposed by them (with such modifications, if any, as the Board of Trade require) to be published and circulated in such manner as the Board of Trade think sufficient and proper for giving information to all parties interested, and shall give notice of the application, in such manner as the Board of Trade direct or approve, to the owners or reputed owners, lessees or reputed lessees, and occupiers (if any) of the portion of the sea shore to which the proposed order relates, and of the lands adjoining thereto.

31. During one month after the first publication of the draft order the Board of Trade shall receive any objections or representations made to them in writing respecting the proposed order.

32. The Board of Trade shall, as soon as conveniently may be after the expiration of the said month, appoint some fit person to act as inspector respecting the proposed order.

The inspector shall proceed to make an inquiry concerning the subject matter of the proposed order, and for that purpose to hold a sitting or sittings in some convenient place in the neighbourhood of the portion of the sea shore to which the proposed order relates, and thereat to take and receive any evidence and information offered, and to hear and inquire into



any objections or representations made respecting the proposed order, with power from time to time to adjourn any sitting; and the inspector may, for the purpose of such inquiry, take evidence, and by summons under his hand require the attendance of any person, and examine him and any person who attends before him, on oath or otherwise, as he thinks expedient, and may administer an oath or take any affidavit or declaration for the purpose of the inquiry; and any person so summoned who, after tender to him of his reasonable expenses, refuses or neglects to obey such summons, and any person who refuses or neglects to answer any question which the inspector is authorized to ask, shall be liable, on summary conviction, to a penalty not exceeding ten pounds for each offence; and any person who willfully gives false evidence in any examination on oath in any such inquiry, or in an affidavit or declaration to be used in any such inquiry, shall be deemed guilty of perjury.

Notice shall be published in such manner as the Board of Trade direct of every such sitting (except an adjourned sitting) fourteen days at least before the holding thereof.

33. The inspector shall make a report in writing to the Board of Trade setting forth the result of the inquiry, and stating whether in his opinion the proposed order should be approved, with or without alteration, and if with any, then with what alteration, and his reasons for the same, and the objections and representations, if any, made on the inquiry, and his opinion thereon.

34. As soon as conveniently may be after the expiration of the said month, or after the receipt by the Board of Trade of the report of the inspector, they shall proceed to consider the objections or representations that have been made respecting the proposed order and also the report of the inspector, and thereupon they shall either refuse the application or settle and make an order in such form and containing such provisions as they think expedient.

35. Where the Board of Trade make an order, the promoters will cause it to be published and circulated in such manner as the Board of Trade think sufficient for giving information to all parties interested, and shall give notice of it, in such manner as the Board of Trade direct or approve, to the owners or reputed owners, lessees or reputed lessees, and occupiers (if any) of the portion of the sea shore to which the order relates, and of the lands adjoining thereto.

36. All expenses incurred by the Board of Trade in relation to any memorial, or to any order consequent thereon, shall be defrayed by the promoters, and the Board of Trade shall, if they think fit, on or at any time after the presentation of the memorial, require the promoters to pay to the Board of Trade such sum as the Board of Trade think requisite for or on account of those expenses, or to give security to the satisfaction of the Board of Trade for the payment of those expenses on demand.

37. An order of the Board of Trade under this part of this Act shall not of itself have any operation, but the same shall have full operation when and as confirmed by Act of Parliament, with such modifications, if any, as to Parliament seem fit.

38. If in the progress through Parliament of a Bill confirming an order a petition is presented to either House of Parliament against the order, the Bill, as far as it relates to the order petitioned against, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in case of a private Bill.

39. The Board of Trade may from time to time make an order for amending an order that has been confirmed by Act of Parliament, and all the provisions of this part of this Act relative to an original order shall apply also to an amending order, *mutatis mutandis*.

40. Where an order of the Board of Trade under this part of this Act confers a right of several oyster and mussel fishery, the persons obtaining the order, in this Act referred to as the grantees, shall, by virtue of the order and of this part of this Act, but subject to any restrictions and exceptions contained in the order, have within the limits of the fishery, the exclusive right of depositing, propagating, dredging, and fishing for, and taking oysters and mussels, and in the exercise of that right may, within the limits of the fishery, proceed as follows, namely, make and maintain oyster and mussel beds or either of them, and at any season collect oysters and mussels, and remove the same from place to place, and deposit the same as and where they think fit, and do all other things which they think proper for obtaining, storing, and disposing of the produce of their fishery.

41. Where an order of the Board of Trade under this part of this Act, without conferring a right of several oyster and mussel fishery, confers a right of regulating an oyster and mussel fishery, and imposes restrictions on or makes regulations respecting the dredging and fishing for and taking oysters and mussels, or either of them, within the limits of the regulated fishery, or imposes tolls or royalties upon persons dredging, fishing for, and taking oysters and mussels, or either of them, within the limits of such fishery, the persons obtaining the order, in this Act included in the term the grantees, shall, by virtue of the order

and of this part of this Act, but subject to any restrictions and exceptions contained in the order, have power to do all or any of the following things; namely:

- (a.) To carry into effect and enforce such restrictions and regulations:
- (b.) To levy such tolls or royalties:
- (c.) To provide for depositing and propagating oysters and mussels within the limits of the fishery, and for improving and cultivating the fishery.

All such restrictions, regulations, tolls, and royalties shall be imposed on and apply to all persons equally, and shall be for the benefit of the fishery only, and the tolls and royalties shall be applied in the improvement and cultivation of the fishery.

Any person who dredges or fishes for or takes any oysters or mussels in contravention of any such restriction or regulation, or without paying any such toll or royalty, shall be liable on summary conviction to pay a penalty not exceeding twenty pounds, and to forfeit all oysters and mussels so taken, or a sum equal to the value thereof if they have been sold, which forfeiture may be enforced in the same manner as a penalty.

The court may direct such forfeiture to be delivered or paid to the grantees to be applied by them for the improvement and cultivation of the fishery.

42. Whenever it is necessary in any legal proceeding to prove that, in pursuance of any Act of Parliament or of an order under this part of this Act, the limits of any oyster and mussel fishery have been duly buoyed or otherwise marked, or notices of such limits have been duly published, posted or distributed, or that notice of the provisions of the order or of such Act relating to the oyster and mussel fishery has been duly published, a certificate purporting to be under the hand of one of the secretaries or assistant secretaries of the Board of Trade, certifying that the Board of Trade are satisfied that the said limits were so buoyed or marked, or that the said notices were duly published, posted, or distributed, shall be received as evidence that the same have been so buoyed or marked, or that the said notices have been so published, posted, or distributed.

43. The portion of the sea shore to which an order of the Board of Trade under this Part of this Act relates (as far as it is not by law within the body of any county) shall for all purposes of jurisdiction be deemed to be within the body of the adjoining county, or to be within the body of each of the adjoining counties, if more than one.

44. The Board of Trade shall not in any case make an order conferring a right of several oyster and mussel fishery, or a right of regulating an oyster and mussel fishery for a longer period at once than sixty years.

45. A right of several oyster or mussel fishery conferred by an order of the Board of Trade under this part of this Act, or by "The Roach River Oyster Fishery Act, 1866," and a right of regulating an oyster and mussel fishery, shall, notwithstanding anything in the order or in the said Act, be determinable by a certificate of the Board of Trade (which certificate they are hereby empowered to make) certifying to the effect that the Board of Trade are not satisfied that the grantees under the order, or the company under the said Act (as the case may be), are properly cultivating the oyster or mussel ground within the limits of such fishery, or are properly carrying into effect and enforcing the restrictions and regulations, and levying the tolls or royalties; and on any such certificate being made, the right of several fishery or right of regulating the fishery (as the case may be, by such order or the said Act conferred shall, by virtue of this part of this Act and of the certificate, be absolutely determined, and all provisions of this part of this Act or of the said Act shall cease to operate in relation to such fishery as a several oyster and mussel fishery or as a regulated fishery.

For the purposes of this provision the Board of Trade may, from time to time, with respect to any such fishery, make such inquiries and examination by an inspector or otherwise, and require from the grantees or company such information, as the Board of Trade think necessary or proper, and the grantees or company shall afford all facilities for such inquiries and examination, and give such information accordingly.

46. Where any portion of the sea shore proposed to be comprised in an order of the Board of Trade under this part of this Act belongs to Her Majesty, Her heirs or successors, in right of the Crown, but is not under the management of the Board of Trade, or forms part of the possessions of the Duchy of Lancaster or of the Duchy of Cornwall, the Board of Trade shall not make the order without such consent as hereinafter mentioned; namely,

In the first-mentioned case of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them:

In the secondly mentioned case of the Chancellor of the Duchy of Lancaster in writing under his hand attested by the Clerk of the Council of the Duchy:

In the thirdly mentioned case of the Duke of Cornwall, or other the persons for the time being empowered to dispose for any purpose of lands of the Duchy of Cornwall.

47. Where any portion of the sea shore comprised in an order of the Board of Trade under this part of this Act does not belong to Her Majesty, Her heirs or successors, in right of the Crown, or form part of the possessions of the Duchy of Lancaster or of the Duchy of

Cornwall, the Board of Trade shall incorporate in the order "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation (Scotland) Act, 1845," as the case requires, and shall apply the provisions thereof respectively to the purchase or taking of such portion of the sea shore.

48. No order made by the Board of Trade under this part of this Act shall take away or abridge any right of several fishery, or any right on, to, or over any portion of the sea shore, which right is enjoyed by any person under any local or special Act of Parliament, or any royal charter, letters patent, prescription, or immemorial usage, without the consent of such person.

49. The persons obtaining an order under this part of this Act shall at all times keep at some convenient place, in the neighborhood of the portion of the sea shore to which the order relates, copies of the order with the Act confirming it, and of this part of this Act, printed respectively by some of Her Majesty's Printers, and shall sell such copies to all persons desiring to buy them at a price not exceeding sixpence for one copy of this part of this Act and of the order and of the Act confirming it together.

If any such persons fail to comply with this provision, they shall for every such offence be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding one pound for every day during which such failure continues after the day on which the first penalty is incurred.

50. There shall be annually laid before both Houses of Parliament a report of the Board of Trade respecting the applications to and proceedings of the Board of Trade under this part of this Act during each year.

#### *Protection of Oyster Beds.*

51. All oysters and mussels being in or on an oyster or mussel bed within the limits of a several oyster and mussel fishery granted by an order under this part of this Act, and all oysters being in or on any private oyster bed which is owned by any person independently of this Act, and is sufficiently marked out or sufficiently known as such, shall be the absolute property of the grantees or of such owner, as the case may be, and in all courts of law and equity and elsewhere, and for all purposes, civil, criminal, or other, shall be deemed to be in the actual possession of the grantees and such owner respectively.

52. All oysters and mussels removed by any person from an oyster or mussel bed within the limits of any such several fishery, and all oysters removed by any person from any such private oyster bed, and not either sold in market overt or disposed of by or under the authority of the grantees or owner (as the case may be), shall be the absolute property of the grantees and owner respectively, and in all courts of law and equity and elsewhere, and for all purposes, civil, criminal, or other, the absolute right to the possession thereof shall be deemed to be in the grantees and owner respectively.

53. It shall not be lawful for any person other than the grantees, their agents, servants and workmen, within the limits of any such several fishery, or in any part of the space within the same described in this behalf in the order, or other than the owner of any such private oyster bed, his agents, servants and workmen, within the limits of such bed, knowingly to do any of the following things :

- To use any implement of fishing, except a line and hook or a net adapted solely for catching floating fish, and so used as not to disturb or injure in any manner any oyster or mussel bed, or oysters or mussels, or the oyster or mussel fishery ;
- To dredge for any ballast or other substance except under a lawful authority for improving the navigation ;
- To deposit any ballast, rubbish, or other substance ;
- To place any implement, apparatus, or thing prejudicial or likely to be prejudicial to any oyster or mussel bed, or oysters or mussels, or to the oyster or mussel fishery, except for a lawful purpose of navigation or anchorage ;
- To disturb or injure in any manner, except as last aforesaid, any oyster or mussel bed, or oysters or mussels, or the oyster or mussel fishery ;

And if any person does any act in contravention of this section he shall be liable to the following penalty, namely, to a penalty not exceeding two pounds for the first offence, and not exceeding five pounds for the second offence, and not exceeding ten pounds for the third and every subsequent offence ; and every such person shall also be liable to make full compensation to the grantees and owner respectively for all damage sustained by them or him by reason of his unlawful act, and in default of payment the same may be recovered from him by the grantees and owner respectively by proceedings in any court of competent jurisdiction (but not in a summary manner), whether he has been prosecuted for or convicted of an offence against this section or not.

54. Provided always, that nothing in the last foregoing section shall make it unlawful for any person to do any of the things therein mentioned,—

- (a.) In the case of a fishery granted by an order under this part of this Act, if at the time of his doing the same the limits of the several fishery or of the space within the same described in that behalf in the order are not sufficiently marked out in manner prescribed by or under the order, or if notice of those limits has not been given to him in manner so prescribed;
- (b.) In the case of a private oyster bed owned by any person independently of this Act, if it is not sufficiently marked out and known as such.

55. When two or more oyster or mussel beds or fisheries belonging to different proprietors are contiguous to each other, and any proceeding by indictment or otherwise is taken against any person for stealing oysters or mussels from any bed formed under an order made in pursuance of this part of this Act, or for stealing oysters from any bed formed independently of this Act, it shall be sufficient, in alleging and proving the property and lawful possession of the oysters or mussels stolen, and the place from which they were stolen, to allege and prove that they were the property of and in the lawful possession of one or other of such proprietors, and were stolen from one or other of such contiguous beds or fisheries.

56. This part of this Act shall, as to all orders made under the Oyster and Mussel Fisheries Act, 1866, which have been or may be confirmed in this session of Parliament, apply in the same manner as if they had been made and confirmed in pursuance of this part of this Act.

All orders made under the Oyster and Mussel Fisheries Act, 1866, before the commencement of this Act, and not so confirmed, and all proceedings taken before the commencement of this Act with a view to obtain any such orders, shall have effect and be proceeded with as if they had been respectively made and taken under this part of this Act.

#### PART IV.

##### LEGAL PROCEEDINGS.

57. All penalties, offences and proceedings under this Act, or under any Order in Council made thereunder (except any felony, and except as otherwise provided,) may be recovered, prosecuted, and taken in a summary manner, and —

In England, before any Justice, and

In Scotland, before any Court or judge acting under the Summary Procedure Act, 1864, and any Act amending the same, in manner directed by those Acts, and

In the Isle of Man, and the Islands of Guernsey, Jersey, Alderney and Sark respectively, before any Court, Governor, Deputy Governor, Deemster, Jurat, or other Magistrate, in the manner in which the like penalties, offences and proceedings are by law recovered, prosecuted and taken, or as near thereto as circumstances admit.

58. If any person feels aggrieved by any conviction under this Act, or by any determination or adjudication of the Court with respect to any compensation under this Act, where the sum adjudged to be paid exceeds five pounds, or the period of imprisonment adjudged exceeds one month, he may appeal therefrom in manner following (that is to say):

In England, in manner directed by law, subject, in the city of London and the metropolitan police district, to the enactments in that behalf made, and subject elsewhere to the conditions and regulations following:—

1. The appeal shall be made to some Court of General or Quarter Sessions for the county or place in which the Court whose decision is complained of has jurisdiction, holden not less than fifteen days and not more than four months after the decision of the Court from which the appeal is made:
2. The appellant shall within three days after the said decision give notice in writing to the other party of his intention to appeal, and the ground of such appeal:
3. Immediately after such notice the appellant shall before a Justice of the Peace enter into recognizances with two sufficient sureties conditioned personally to try such appeal, and to abide the judgment of the Court thereon, and to pay such costs as may be awarded by the Court:
4. The Court may adjourn the appeal, and upon the hearing thereof they may reverse, confirm, or modify the decision of the Justice or Justices, with or without costs to be paid by either party:

In Ireland, in manner directed by the Petty Sessions, Ireland, Act, 1851, and any Act amending the same:

In Scotland, the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark in manner in which appeals from the like convictions and determinations and adjudications are made.

59. Where a person belonging to a French sea-fishing boat is charged with having committed outside of the exclusive fishery limits of the British Islands an offence against the fishery regulations of this Act, the Court shall have jurisdiction to hear and shall hear the case in the same manner as if such person were liable to a penalty under this Act, subject to the following provisions:—

- (1.) The statement on oath of each witness shall be put into writing, and such writing, in this Act referred to as the deposition, shall (in the presence of the accused, unless he has left the port,) be read over and signed by the witness and by the person or one of the persons who constitute the Court:
- (2.) After the examination of all the witnesses has been completed the Court shall inquire whether the accused has any answer to make to the accusation, and shall warn him that what he says may be given in evidence against him:
- (3.) Any statement made by the accused shall be put into writing, and signed by the person or persons constituting the Court and added to the depositions;
- (4.) If the Court is of opinion that the evidence is not sufficient to put the accused upon his trial, or to raise a strong or probable presumption of his guilt, the Court shall order him to be discharged. If the Court is of the contrary opinion, the Court shall make an order directing him to be sent back to France for trial, and directing the depositions to be sent to the Collector of Customs of the port for transmission to the British Consular officer of the port to which the accused belongs:
- (5.) All proceedings under this section shall, if possible, be completed before the expiration of three clear days after the arrival of the offender at the port in the British Islands.

60. For the purpose of giving jurisdiction to Courts under this Act the following provisions shall have effect:

- (1.) A sea-fishing boat shall be deemed to be a ship within the meaning of any Act relating to offences committed on board a ship.
- (2.) The same Court shall have power to exercise the jurisdiction conferred by this Act with respect to an offence committed by a foreign subject as would have jurisdiction to try such offence if it had been committed by a British subject.

61. If any offender belonging to a British sea-fishing boat is taken into a French port in pursuance of the Convention, the depositions, minutes, and other documents, authenticated in manner provided by Article twenty-eight of the Convention, shall be receivable in evidence without further proof of their authenticity, and a certificate under the seal of a French consular officer in the British Islands that such documents have been so authenticated shall be conclusive evidence of the fact.

If the depositions were taken in the presence of and so as to be understood by the accused, or if the accused had any opportunity of cross-examining the deponents, or if the minutes are minutes of a judicial proceeding at which the British consular officer of the port was present, and in which the matter in dispute was fairly investigated, and the accused had an opportunity of making his defence, the British consular officer shall certify such fact or facts under his hand and seal, and until the contrary is proved such certificate shall be sufficient evidence of the matters therein stated, and such seal, signature, and certificate shall be deemed to be a seal, signature, and document within the meaning of sections three and five of the Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, Chapter forty-two, intitled: "An Act to enable diplomatic and consular agents abroad to administer oaths and do notarial acts."

62. Service of any summons or other matter in any legal proceeding under this Act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any sea-fishing boat to which he may belong, with the person being or appearing to be in command or charge of such boat.

63. Where any offence against the fishery regulations of this Act has been committed by some person belonging to any sea-fishing boat, the master or person for the time being in charge of such boat shall in every case be liable to pay any penalty imposed or compensation awarded in respect of such offence, unless the person who actually committed such offence is proved guilty to the satisfaction of the court.

Any penalty under this Act, except a penalty for the non-payment of which detention in a port is specially provided as the remedy, may be recovered in the ordinary way, or, if the court think fit so to order, by distress or pouding and sale of the sea-fishing boat to which the offender belongs, and her tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

64. The court imposing any penalty or enforcing any forfeiture under this Act may, if it

think fit, direct the whole or any part thereof to be applied in or towards payment of the expenses of the proceedings; and, subject to such direction, and to any direction given under any express provision in this Act, all penalties and forfeitures recovered under this Act shall be paid into the receipt of Her Majesty's exchequer in such manner as the Commissioners of the Treasury may direct, and shall be carried to the Consolidated Fund.

65. Nothing in this Act shall prevent any person being liable under any other Act or otherwise to any indictment, proceeding, punishment, or penalty, other than is provided for any offence by this Act, so that no person be punished twice for the same offence.

Nothing in this Act, or in any Order in Council made thereunder, nor any proceedings under such Act or Order, with respect to any matter, shall alter the liability of any person in any action or suit with reference to the same matter, so that no person shall be required to pay compensation twice in respect of the same injury.

## PART V.

### MISCELLANEOUS.

66. Whereas by a Convention concluded between the United Kingdom and France on the twenty-sixth day of January, one thousand eight hundred and twenty-six, it was, amongst other matters, agreed that sea-fishing boats of either country, when forced by stress of weather to seek shelter in the ports or on the coasts of the other country, should on certain conditions be exempted from all dues to which they would otherwise be liable, and doubts have arisen whether that part of the said Convention has ever been confirmed by the authority of Parliament, and it is expedient to remove such doubts, and to enable Her Majesty to provide for the due execution of the said convention and of any other like convention or treaty which may be made by Her Majesty: be it enacted, that where any such convention or treaty as mentioned in this section has been or may hereafter be concluded with any foreign country, Her Majesty may by Order in Council direct that every sea-fishing boat belonging to such foreign country, when forced by stress of weather to seek shelter in any port or place in the British Islands, shall, if it does not discharge or receive on board any cargo, and complies with the other conditions, if any, specified in such Order, be exempt from all dues, tolls, rates, taxes, duties, imposts, and other charges to which it would otherwise be liable in such port or place, and every such boat shall be exempt accordingly.

67. The Irish Fishery Commissioners may, from time to time, lay before Her Majesty in Council by-laws for the purpose of restricting or regulating the dredging for oysters on any oyster beds or banks situate within the distance of twenty miles measured from a straight line drawn from the eastern point of Lambay Island to Carnsore Point on the coast of Ireland, outside of the exclusive Fishery Limits of the British Islands, and all of such by-laws shall apply equally to all boats and persons on whom they may be binding.

It shall be lawful for Her Majesty, by Order in Council, to do all or any of the following things; namely.

- (a.) To direct that such by-laws shall be observed;
- (b.) To impose penalties not exceeding twenty pounds for the breach of such by-laws;
- (c.) To apply to the breach of such by-laws such (if any) of the enactments in force respecting the breach of the regulations respecting Irish oyster fisheries within the exclusive fishery limits of the British Islands, and with such modifications and alterations as may be found desirable;
- (d.) To revoke or alter any order so made;

Provided that the length of close time prescribed by any such order shall not be shorter than that prescribed for the time being by the Irish Fishery Commissioners in respect of beds or banks within the exclusive fishery limits of the British Islands.

Every such order shall be binding on all British sea-fishing boats, and on any other sea-fishing boats in that behalf specified in the order, and on the crews of such boats.

68. On the coast of Cornwall, except so much of the north coast as lies to the east of Trevoze Head, no person between the twenty-fifth of July and twenty-fifth of November in any year—

- (a.) Shall, from sunrise to sunset, within the distance of two miles from the coast, measured from low water mark (whether in bays or not), use a drift net or trawl net, or
- (b.) Shall, within half a mile of any sea-fishing boat stationed for seine-fishing, anchor any sea-fishing or other boat (not being a boat engaged in seine fishing), or lay, set, or use any net, boulder, or implement of sea-fishing (except for the purpose of seine-fishing):

Any person who acts in contravention of this section shall be liable on summary conviction to a penalty not exceeding twenty pounds, which may be recovered in the same manner as a penalty for an offence against the Fishery Regulations of this Act.

69. With respect to any Orders in Council made in pursuance of this Act, the following provisions shall have effect:

- (1.) They shall be published in the *London Gazette*, or otherwise published in such manner as the Board of Trade may direct for such sufficient time before they come into force as to prevent inconvenience:
- (2.) They may be proved in any legal proceeding by the production of a copy of the *Gazette* containing the said advertisement, or of a copy of the orders or regulations purporting to be printed by the printer to Her Majesty.

70. The enactments in this Act which are restricted in terms to the seas outside the exclusive fishery limits of the British Islands or to any particular part of the British Islands and the seas adjoining the same shall apply only to those seas and such part, but, save as aforesaid, this Act shall apply to the seas adjoining the coasts of France specified in Article three of the first Schedule to this Act outside of the exclusive fishery limits of France, and to the whole of the British Islands as defined by this Act, and to the seas surrounding the same whether within or without the exclusive fishery limits of the British Islands, and the Royal Courts of Guernsey and Jersey shall register this Act in their respective courts.

Provided that nothing in this Act relating to oyster or mussel fisheries, or to oysters or mussels, shall in any way whatever alter, interfere with, or affect the jurisdiction which the Irish Fishery Commissioners would have power to exercise over the seas surrounding Ireland and over the oyster fisheries and oyster beds in those seas if this Act had not passed.

71. The enactments described in the second schedule to this Act are hereby repealed; Provided that—

1st. This repeal shall not affect the validity or invalidity of anything already done or suffered, or any right or title conferred by or in pursuance of any enactment hereby repealed, or already acquired or accrued, or any remedy or proceeding in respect thereof, or any proof of any past act or thing, or any offence committed before the commencement of this Act, or any penalty or proceeding in respect thereof:

2nd. This repeal shall not revive or restore any jurisdiction, toll, imposition, office, duty, bounty, franchise, liberty, custom, privilege, restriction, exemption, usage or practice not now existing or in force.

## SCHEDULES REFERRED TO IN THE FOREGOING ACT.

### FIRST SCHEDULE.

CONVENTION between Her Majesty and the Emperor of the French, relative to Fisheries in the Seas between Great Britain and France.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the French, having charged a mixed commission with preparing a revision of the Convention of the 2nd of August, 1839, and of the regulation of 23rd June, 1843, relative to the fisheries in the seas situated between Great Britain and France; and the members of that Commission having agreed upon certain arrangements which experience has shown would be useful, and which appear to them such as will advantageously modify and complete the former arrangements in the common interest of fishermen of the two countries; their said Majesties have judged it expedient that the arrangements proposed by the said Commission should be sanctioned by a new convention, and have for that purpose named as their plenipotentiaries, that is to say,

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Bickerton Pemell, Lord Lyons, a Peer of the United Kingdom, a member of Her Britannic Majesty's most Honorable Privy Council, Knight Grand Cross of the most Honorable Order of the Bath, Her Britannic Majesty's Ambassador Extraordinary and plenipotentiary to His Majesty the Emperor of the French;

And His Majesty the Emperor of the French, Leonel, Marquis de Moustier, Grand Cross of the Imperial Order of the Legion of Honor, &c., &c., &c., His Minister and Secretary of State for Foreign Affairs;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon and concluded the following articles:—

### ARTICLE I.

British fishermen shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark, along the whole extent of the coasts of the British Islands; and

French fishermen shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark along the whole extent of the coast of France; the only exception to this rule being that part of the coast of France which lies between Cape Carteret and Point Meinga.

The distance of three miles fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries shall, with respect to bays, the mouths of which do not exceed ten miles in width, be measured from a straight line drawn from headland to headland.

The miles mentioned in the present Convention are geographical miles, whereof sixty make a degree of latitude.

#### ARTICLE II.

It is agreed that the lines drawn between the points designated by the letters A, B, C, D, E, F, G, H, I, K, on the chart annexed to the present Convention, and signed by the respective Plenipotentiaries, shall be acknowledged by the High Contracting Parties, as defining from Point Meinga to Cape Carteret, the limits between which and the French shore the right of fishery shall be reserved exclusively to French fishermen, and these lines are as follows: that is to say,

The first line runs from the point A, three miles from the low water mark (Point Meinga bearing south) to the point B, of which the landmarks are Agon Tower on with the clump of trees upon Mount Huchon, and the summit of Gros Mont in a line with the semaphore on Grand Isle.

The second line runs from the said point B. towards Agon Tower and the clump of trees upon Mount Huchon, in the direction north sixty-four degrees east, until, at the point C. it brings the windmill of Lingreville to bear due east.

The third line runs from point C due east towards Lingreville windmill, until the Grand Huguenant is brought to bear on the Etat Rock at point D.

The fourth line runs from point D northward (keeping the Grand Huguenant in one with the Etat Rock) until it intersects at E a line whose landmarks are Agon Tower on with Coutances Cathedral.

The fifth line runs eastward from point E to point F, where the steeple of Pirou is brought to bear in a line with the Sennequet Lighthouse.

The sixth line runs from point F due north to point G, where the steeple of Blainville is brought in a line with the Sennequet Lighthouse.

The seventh line runs from point G in the direction of Pirou steeple to point H, where the lighthouse on Cape Carteret bears north twenty-four degrees west.

The eighth line runs from point H to point I nearly abreast of Port Bail; point I having for landmarks the fort of Port Bail in a line with the steeple of Port Bail.

And finally, the ninth line runs from point I to the Three Grunes at point K, where Cape Carteret bears east ten degrees north, in a line with Barneville steeple.

It is further agreed that all the bearings specified in the present article are to be taken according to the true meridian, and not according to the magnetic meridian.

#### ARTICLE III.

The arrangements of the present Convention shall apply beyond the fishery limits of both countries, as defined by the preceding articles, to the seas surrounding and adjoining Great Britain and Ireland, and adjoining the coasts of France between the frontiers of Belgium and Spain. The rules respecting oyster fishery shall, however, be observed only in the seas comprised within the limits hereinafter described.

#### ARTICLE IV.

All British and French fishing boats shall be lettered and numbered.

In the United Kingdom there shall be a series of numbers for the fishing boats belonging to each collectorship of Customs, and in France a series of numbers for the fishing boats belonging to each district of maritime registry; and to these numbers shall be prefixed a letter (or letters) to be designated by the Board of Customs in the United Kingdom, and by the Ministry of Marine in France.

#### ARTICLE V.

The letter (or letters) and number shall be placed on each bow of the boat, 3 or 4 inches (8 or 10 centimetres French) below the gunwale, and they shall be painted in white oil color on a black ground.



For boats of 15 tons burthen and upwards the dimensions of the letters and numbers shall be 18 inches (45 centimetres French) in height, and 2½ inches (6 centimetres French) in breadth.

For boats of less than 15 tons burthen, the dimensions shall be 10 inches (25 centimetres French) in height, and 1½ inches (4 centimetres French) in breadth.

The same letter (or letters) and number shall also be painted on each side of the main sail of the boat, in black oil color on white sails, and in white oil color on tanned or black sails. Such letter (or letters) and number on the sails shall be one-third larger in every way than those placed on the bows of the boat.

The name of each fishing boat, and that of the port to which she belongs, shall be painted in white oil color on a black ground on the stern of the boat, in letters which shall be at least 3 inches (8 centimetres French) in height and ¼ inch (12 millimetres French) in breadth.

The letters, numbers and names placed on the boats and on their sails shall not be effaced, covered or concealed in any manner whatsoever.

#### ARTICLE VI.

All the buoys, barrels and principal floats of each net, and all other implements of fishery, shall be marked with the same letter (or letters) and number as those of the boats to which they belong.

These letters and numbers shall be large enough to be easily distinguished. The owners of the nets and other fishing implements may further distinguish them by any private marks they judge proper.

#### ARTICLE VII.

The letters and numbers of British fishing boats shall, after having been entered in the registry book kept at the collectorship of Customs, be inserted on the licenses or other official papers of those boats.

The letters and numbers of French fishing boats shall, after having been entered in the registry book kept at the maritime registry office, be inserted on the muster rolls of those boats.

#### ARTICLE VIII.

The licenses or other official papers of British fishing boats, and the muster rolls of French fishing boats, shall contain the description and tonnage of each boat, as well as the names of its owner and of its master.

#### ARTICLE IX.

The fishermen of both countries shall, whenever required, exhibit their licenses or other official papers, or their muster rolls, to the commanders of the fishery cruisers, and to all other persons of either country appointed to superintend the fisheries.

#### ARTICLE X.

Fishing of all kinds, by whatever means and at all seasons, may be carried on in the seas lying beyond the fishery limits which have been fixed for the two countries, with the exception of that for oysters, as hereinafter expressed.

#### ARTICLE XI.

From the 16th of June to the 31st of August inclusive, fishing for oysters is prohibited outside the fishery limits which have been fixed for the two countries, between a line drawn from the north foreland light to Dunkirk, and a line drawn from the Land's End to Ushant.

During the same period and in the same part of the channel, no boat shall have on board any oyster dredge, unless the same be tied up and sealed by the Customs authorities of one of the two countries in such a manner as to prevent its being made use of.

#### ARTICLE XII.

No boat shall anchor between sunset and sunrise on grounds where drift-net fishing is actually going on.

This prohibition shall not apply to anchorings which may take place in consequence of accidents, or any other compulsory circumstances; but in such case the master of the boat

thus obliged to anchor shall hoist, so that they shall be seen from a distance, two lights placed horizontally about 3 feet (1 metre French) apart, and shall keep those lights up all the time the boat shall remain at anchor.

#### ARTICLE XIII.

Boats fishing with drift nets shall carry on one of their masts two lights, one over the other, 3 feet (1 metre French) apart.

These lights shall be kept up during all the time their net shall be in the sea between sunset and sunrise.

#### ARTICLE XIV.

Subject to the exceptions or additions mentioned in the two preceding articles, the fishing boats of the two countries shall conform to the general rules respecting lights which have been adopted by the two countries.

#### ARTICLE XV.

Trawl boats shall not commence fishing at a less distance than three miles from any boat fishing with drift nets.

If trawl boats have already shot their nets, they must not come nearer to boats fishing with drift nets than the distance above mentioned.

#### ARTICLE XVI.

No boat fishing with drift nets shall shoot its net so near to any other boat which has already shot its net on the fishing ground as to interfere with its operations.

#### ARTICLE XVII.

No decked boat fishing with drift nets shall shoot its nets at a less distance than a quarter of a mile from any undecked boat which is already engaged in fishing.

#### ARTICLE XVIII.

If the spot where fishing is going on should be so near to the fishery limits of one of the two countries that the boats of the other country would by observing the regulations prescribed by Articles XV, XVI and XVII preceding, be prevented from taking part in the fishery, such boats shall be at liberty to shoot their nets at a less distance than that so prescribed; but in such case the fishermen shall be responsible for any damage or losses which may be caused by the drifting of their boats.

#### ARTICLE XIX.

Nets shall not be set or anchored in any place where drift-net fishing is actually going on.

#### ARTICLE XX.

No one shall make fast or hold on his boat to the nets, buoys, floats, or any part of the fishing tackle belonging to another boat.

No person shall hook or lift up the nets, lines or other fishing implements belonging to another person.

#### ARTICLE XXI.

When nets of different boats get foul of each other, the master of one boat shall not cut the nets of another boat except by mutual consent, and unless it be found impossible to clear them by other means.

#### ARTICLE XXII.

All fishing boats, all rigging gear or other appurtenances of fishing boats, all nets, buoys, floats, or other fishing implements whatsoever, found or picked up at sea, shall, as soon as possible, be delivered to the Receiver of Wreck if the article saved be taken into the United Kingdom, and to the Commissary of Marine if the article saved be taken into France.

The Receiver of Wreck or the Commissary of Marine, as the case may be, shall restore the articles saved to the owners thereof, or to their representatives.

These functionaries shall fix the amount which the owners shall pay to the salvors.

#### ARTICLE XXIII.

The execution of the regulations concerning lights and signals, licenses, muster rolls, and official papers, the lettering and numbering of boats and implements of fishing is placed with respect to the fishermen of each of the two nations, under the exclusive superintendence of the cruisers and agents of their own nation.

Nevertheless, the commanders of the cruisers of one of the two nations shall acquaint the commanders of the cruisers of the other nation with any infractions of the above-mentioned regulations committed by the fishermen of such other nation which may come to their knowledge.

#### ARTICLE XXIV.

All infractions of the regulations concerning the placing of boats on the fishing ground, the distances to be observed between them, the prohibition of oyster fishing during a portion of the year, and concerning every other operation connected with the act of fishing, and more particularly concerning circumstances likely to cause damage, shall be taken cognisance of by the cruisers of either nation, whichever may be the nation to which the fishermen guilty of such infractions may belong.

#### ARTICLE XXV.

The commanders of cruisers of either country shall exercise their judgment as to the causes of any infractions brought to their knowledge, or as to damage arising from any cause whatever committed by British or French fishing boats in the seas beyond the fishery limits which have been fixed for the two countries; they may detain the offending boats and take them into the port nearest the scene of the occurrence, in order that the infraction or damage may be there duly established, as well by comparing the declarations and counter-declarations of the parties interested as by the testimony of those who were present.

#### ARTICLE XXVI.

When the offence shall not be such as to require exemplary punishment, but shall, nevertheless have caused damage to any fisherman, the commanders of the cruisers shall be at liberty, should the circumstances admit of it, to arbitrate at sea between the parties concerned. On refusal of the offenders to defer to their arbitration the said commanders shall take both them and their boats into the nearest port, to be dealt with as stated in the preceding article.

#### ARTICLE XXVII.

Every fishing boat which shall have been taken into a foreign port in conformity with the two preceding articles shall be sent back to her own country for trial as soon as the infraction for which she may have been detained shall have been duly established. Neither the boat nor her crew shall, however, be detained in the foreign port more than three clear days.

#### ARTICLE XXVIII.

The depositions, minutes of proceedings, and all other documents concerning the infraction, after having been authenticated by the Collector of Customs in the United Kingdom, or by the Commissary of Marine in France, shall be transmitted by that functionary to the consular agent of his nation residing in the port where the trial is to take place.

Such consular agent shall communicate those documents to the collector of Customs, or to the Commissary of Marine, as the case may be; and if, after having conferred with that functionary, it shall be necessary for the interest of his countrymen, he shall proceed with the affair before the competent tribunal or magistrates of the country.

## ARTICLE XXIX.

In both countries the competent court or magistrate shall be empowered to condemn to a fine of at least eight shillings (ten francs), or to imprisonment for at least two days, persons who may infringe the regulations of the convention concerning—

1. The close season for oysters, and illegal possession of dredges on board during that season ;
2. The letters, numbers, and names to be placed on the boats, sails, nets, and buoys ;
3. The licenses or muster rolls ;
4. The flags and lights to be carried by the boats ;
5. The distances to be observed by the boats between each other ;
6. The placing and anchoring of vessels and boats ;
7. The placing and shooting of nets and the taking them up ;
8. The clearing of nets ;
9. The placing of buoys upon nets.

In case of repetition of the offence, the amount of fine or period of imprisonment may be doubled.

## ARTICLE XXX.

In all cases of assault committed or of damage or loss inflicted at sea by fishermen of either country upon fishermen of the other country, the courts of the country to which the offenders belong shall condemn the latter to a fine of at least eight shillings (10 francs), or to imprisonment for at least two days. They may, moreover, condemn the offenders to pay adequate compensation for the injury,

## ARTICLE XXXI.

Fishing boats of either of the two countries shall be admitted to sell their fish in such ports of the other country as may be designated for that purpose, on condition that they conform to the regulations mutually agreed upon. Those regulations, together with a list of the ports, are annexed to the present Convention ; but without prejudice to the opening by either country of any additional ports.

## ARTICLE XXXII.

The fishing boats of the one country shall not enter within the fishery limits fixed for the other country, except under the following circumstances :—

1. When driven by stress of weather or by evident damage.
2. When carried in by contrary winds, by strong tides, or by any other cause beyond the control of the master and crew.
3. When obliged by contrary winds or tide to beat up in order to reach their fishing ground ; and when from the same cause of contrary wind or tide they could not, if they remained outside, be able to hold on their course to their fishing ground.
4. When, during the herring fishing season, the herring boats of the one country shall find it necessary to anchor under shelter of the coasts of the other country, in order to await the opportunity for proceeding to their fishing ground.
5. When proceeding to any of the ports of the other country open to them for the sale of fish in accordance with the preceding Article ; but in such case they shall never have oyster dredges on board.

## ARTICLE XXXIII.

When fishing boats, availing themselves of the privilege specified in Article XXXI, shall have oysters on board, they shall not carry any dredges or other implement for taking oysters.

## ARTICLE XXXIV.

The commanders of cruisers may authorize boats belonging to their own country to cross the exclusive fishery limits of the other country, whenever the weather is so threatening as to compel them to seek shelter.

## ARTICLE XXXV.

Whenever, owing to any of the exceptional circumstances specified in the three preceding articles, the fishing boats of either country shall be in the ports or within the fishery limits fixed for the other country, the masters of such boats shall immediately hoist a blue flag two feet (60 centimetres French) high, and three feet (90 one metre French) long, and shall

keep that flag at the masthead so long as they remain in such ports or within such limits. The flag shall be hauled down as soon as the boat is outside the said limits.

Such boats must return outside the said limits as soon as the exceptional circumstances which obliged them to enter shall have ceased.

ARTICLE XXXVI.

The commanders of the cruisers of each of the two countries, and all officers or other agents appointed to superintend fisheries, shall exercise their judgment as to infractions of the regulations with regard to the fishery limits, and when they shall be satisfied of the fact of the infraction they may detain the boats of the offenders, or cause them to be detained, and may take them, or cause them to be taken, into port, where, upon clear proof of the offence, such boats may be condemned by the competent court or magistrate to a fine not exceeding 10 pounds (250 francs). In default of payment such boats may be detained for a period not exceeding three months.

In case of repetition of the offence the fine may be doubled.

ARTICLE XXXVII.

The proceedings and trial in cases of infraction of the provisions of the present Convention shall take place as speedily and as summarily as the laws in force will permit.

ARTICLE XXXVIII.

The terms "British Islands" and "United Kingdom," employed in this Convention, shall include the Islands of Jersey, Guernsey, Alderney, Sark, and Man, with their dependencies.

ARTICLE XXXIX.

Her Britannic Majesty engages to recommend to Parliament to pass an Act to enable Her to carry into execution such of the arrangements contained in the present Convention as require legislative sanction. When such an Act shall have been passed, the Convention shall come into operation from and after a day to be then fixed upon by the two High Contracting Parties. Due notice shall be given in each country by the Government of that country of the day which may be so fixed upon.

ARTICLE XL.

The Convention shall continue in force for 10 years from the day on which it may come into operation, and if neither party shall, 12 months before the expiration of the said period of 10 years, give notice of its intention to terminate its operation, the Convention shall continue in force one year longer, and so on from year to year, until the expiration of one year's notice from either party for its termination.

The High Contracting Parties however reserve to themselves the power to make, by mutual consent, any modification in the Convention which experience shall have shown to be desirable, provided it is not inconsistent with the principles on which it is based.

ARTICLE XLI.

The Convention concluded between the High Contracting Parties on the 2nd of August, 1839, and the regulations of the 23rd of June, 1843, shall continue in force until the day when, as provided in Article XXXIX, the present Convention shall come into operation, and shall then altogether cease and determine.

ARTICLE XLII.

The present Convention shall be ratified, and the ratifications shall be exchanged as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 11th of November in the year of our Lord 1867.

(L.S.)  
(L.S.)

LYONS.  
MOUSTIER.

## ADDITIONAL ARTICLE.

It is agreed that Article XXXI of the Convention signed this day shall not come into operation until the two contracting parties shall have come to a further understanding on the subject. Due notice shall be given of the day that may be fixed upon for its coming into operation.

The present additional article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the ratification shall be exchanged at the same time as those of the Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 11th of November in the year of our Lord 1867.

(L.S.) LYONS.  
(L.S.) MOUSTIER.

*Declaration annexed to the Convention of 11th November, 1867.*

The fishermen of each country shall not be allowed to land or discharge their fish in the other country except at places where there is a Custom house, and during office hours.

Immediately upon their arrival, and in all cases before they commence the discharge of their cargo, they shall present their muster roll, or license, or official paper to the proper officer of Customs, and shall pass an entry at the Custom house stating as nearly as possible the quantity of fish which they have on board.

If the master of a fishing boat cannot write, the officer of Customs shall fill up for him the form required, and the master shall affix his mark thereto.

The Custom house officers shall have power to board and search the fishing boats of the other country in the manner directed by the Customs laws.

During their stay in the ports of the other country, the fishermen of either country shall, if required to do so by the Customs authorities, deposit in a warehouse or in the Custom house, until their departure, all stores subject to duty, which shall not be necessary for their daily consumption. No charge shall be made for such warehousing.

The ports enumerated in the subjoined list, where there is a Custom house establishment, are those that shall be open in each country to the fishermen of the other country. In case the Customs establishment at any of those ports should be abolished, notice thereof shall be given to the Government of the other country.

*List of the Ports in the United Kingdom open for the importation of Fish by French Fishing Boats.**In England.*

Bristol.	Liverpool.	Ramsgate.
Cardiff.	London.	Shields.
Dover, C.	Lowestoft.	Soreham, C.
Folkestone, C.	Middlesborough.	Southampton, C.
Falmouth, C.	Newcastle.	Sunderland.
Grimsby.	Newhaven, C.	Swansea.
Hartlepool.	Newport.	Weymouth, C.
Harwich.	Portsmouth, C.	Whitby.
Hull.	Plymouth, C.	Yarmouth.

*In Scotland.*

Aberdeen.	Greenock.	Wick.
Glasgow.	Leith.	

*In Ireland.*

Belfast.	Dublin.	Waterford.
Co. k.	Galway.	

*In the Channel Islands.*

Jersey, C.	Guernsey, C.
------------	--------------

The ports in the Channel are marked with a C.

**LIST of the Ports of the FRENCH EMPIRE open for the Importation of Fish by BRITISH FISHING BOATS.**

Directions.	—	Directions.	—
<b>DUNKERQUE</b> .....	Gravelines. Dunkerque.		Sarzeau. Suscino. Saint Armel. Novalo. Quatre-vents. Ile d'Ars (Ile du Morbihan). Port Novalo. Lamorbaden. Locmariaquer. Auray. Rochdu La Trinité. Carnac. Porthaliguen. Palais (Ile). Etel. Port Louis. Hennebon. Lorient. Kernevel. Groix (Ile).
<b>BOULOGNE</b> .....	Houedel. Saint Valéry-sur-Somme. Crotoy. Abbeville. Berck (plage maritime). Etaples. Boulogne. Calais.		
<b>LA HAVRE</b> .....	Harfleur. Le Havre. Fécamp. Saint Valéry-en-Caux. Dieppe. Tréport. Eu.		
<b>ROUEN</b> .....	Rouen. Croisset. Duclair. Caudebec.	<b>NANTES</b> .....	Noirmoutiers. Saint Gilles. Ile d'Yeu. La Barre-de-Mont. (pour sur canal). Beauvoir (idem). Bœin (idem). Bourgneuf. Pornic. Paimbœuf. Saint Nazaire. Nantes. Chantenay La Basse-Indre. Port Nichet. Pouliguen. Le Croisic. La Turballe. Le Rosais.
<b>CAEN</b> .....	Isigny. Port-en-Bessin. Courceulles. Caen. Ouistreham. Trouville. Honfleur. Pont-Audemer.		
<b>SAINT LÔ</b> .....	Granville. Regneville. Portbail (Havre). Dielette. Carentan. Cherbourg. Barfleur. Saint Vaast. Cmonville.	<b>LA ROCHELLE</b> .....	La Tremblade. Mornac. L'Eguille. Le Gua. Nieulle (port sur canal). Lusac (idem). Marennes (idem). Le Chapus. Le Château (Ile d'Oléron). Saint Pierre (idem). Saint Georges (idem). Saint Denis (idem). Bronage (port sur canal). Moëze. Charente. Rochefort. Fouran. Ile d'Aix (Ile). La Rochelle. Lauzières. Marans. La Flotte (Ile de Ré). Saint Martin (idem). Loix (idem).
<b>SAINT BRIEUC</b> .....	Lannion. Perros. Tréguier. Lézardrieux. Pontrieux. Paimpol. Portrieux. Binic. Le Légué. Dahonet. Erquy. Le Guildo. Plouer. Dinan. Saint Suliac. Saint Servan. Saint Malo. La Houille. Le Vivier.		
<b>BREST</b> .....	Quimperlé. Douélan.		

**LIST of the Ports of the FRENCH EMPIRE open for the Importation of Fish by BRITISH FISHING BOATS—Concluded.**

Directions.	—	Directions.	—
<b>BREST (Con).....</b>	Pontaven. Concarneau. Quimper. Pont l'Abbé. Audierne. Douarnenez. Morgat. Camaret. Port Launay. Le Faon. Landerneau. Brest. Le Conquet. Labrevrach. Roscoff. Morlaix.	<b>LA ROCHELLE (Con)...</b>	Ars (idem). Luçon (port sur canal). L'Aiguillon. Les Sables. Saint Martin de Brem.
<b>VANNES .....</b>	Redon. La Roche-Bernard. Tréhiguier. Billiers. Pénerf. Ambon. Vannes. Belle-Oroix.	<b>BORDEAUX.....</b>	La Teste. Gujan. Certes. Le Verdon. La Fosse (port sur canal). Pauillac. Bordeaux. Libourne. Plaigne. Bourg. Blaye. Montagne. Les Meschers. Royan.
		<b>BAYONNE.....</b>	Saint Jean de Luz. Bayonne.

In witness whereof the respective Plenipotentiaries have signed these Annexes to the Convention concluded this day, and have affixed thereto the seals of their arms.  
At Paris, the 11th November, 1867.

[L.S.]      LYONS.  
[L.S.]      MOUSTIER.



## SECOND SCHEDULE.

A description of a portion of an Act is inclusive of the section first or last mentioned, as forming the beginning or as forming the end of the portion comprised in the description.

Date of Act.	Title of Act.
4 Hen. 7. c. 21.....	An Act for the Preservation of the frye of Fyshe.
7 Hen. 7. c. 9. [In Statutes of the Realm only.]	Orford.
5 Eliz. c. 5.....	An Act touching certayne Politique Constitutions made for the Maintenance of the Navye.
13 & 14 Car. 2. c. 28.....	An Act for the Regulation of the Pilchard Fishing in the Counties of Devon and Cornwall.
10 & 11 Will. 3. c. 54. [10 Will. 3. c. 13 in Statutes of the Realm.]	An Act for making Billingsgate a free Market for the Sale of Fish.
9 Anne, c. 26..... [c. 28. in Statutes of the Realm.]	An Act for the better Preservation and Improvement of the Fishery within the River of Thames. and for regulating and governing the Company of Fishermen of the said River.
1 Geo. 1. s. 2. c. 18.....	An Act for the better preventing fresh Fish taken by Foreigners being imparted into this Kingdom; and for the Preservation of the Fry of Fish; and for the giving Leave to import Lobsters and Turbets in Foreign Bottoms: and for the better Preservation of Salmon within several Rivers in that Part of this Kingdom called England.
2 Geo. 2. c. 19.....	An Act for regulating, well ordering, governing, and improving the Oyster Fishery in the River Medway and Waters thereof, under the Authority of the Mayor and Citizens of the City of Rochester in the County of Kent.
29 Geo. 2. c. 23..... In part.	An Act for encouraging the Fisheries in that Part of Great Britain called Scotland. } In part; namely, Except Sections one and Seventeen, so far as they relate to Scotland.
33 Geo. 2. c. 27.....	An Act to repeal so much of an Act passed in the Twenty-ninth Year of His present Majesty's Reign, concerning a free Market for Fish at Westminster, as requires Fishermen to enter their Fishing Vessels at the Office of the Searcher of the Customs at Gravesend; and to regulate the Sale of Fish at the First Hand in the Fish Markets at London and Westminster; and to prevent Salesmen of Fish buying Fish to sell again on their own Account; and to allow Bret and Turbot, Brill and Pearl, although under the respective Dimensions mentioned in a former Act, to be imported and sold; and to punish Persons who shall take or sell any Spawn, Brood or Fry of Fish, unsizeable Fish, or Fish out of Season, or Smelts under the Size of Five Inches, and for other Purposes.
2 Geo. 3. c. 15..... In part.	An Act for the better supplying the Cities of London and Westminster with Fish, and to reduce the present exorbitant Price thereof, and to protect and encourage Fishermen. } In part; namely, Except Section Seven.
11 Geo. 3. c. 31..... In part.	An Act for the Encouragement of the White Herring Fishery. } In part; namely, Except Sections Eleven to Thirteen.
19 Geo. 3. c. 26.....	An Act to continue and amend an Act made in the Eleventh Year of His present Majesty's Reign, intituled "An Act for the Encouragement of the "Whit Herring Fishery."
26 Geo. 3. c. 45.....	An Act to continue and amend an Act made in the Twenty-fifth Year of the Reign of His present Majesty, for the Encouragement of the Pilchard Fishery, by allowing a further Bounty upon Pilchards taken, cured, and exported.

## SECOND SCHEDULE—Continued.

Date of Act.	Title of Act.	
26 Geo. 3. c. 81 ..... In part.	An Act for the more effectual encouragement of the British Fisheries. Except Section Nineteen.	In part; namely,
27 Geo. 3. c. 10. ....	An Act to extend the Provisions of an Act made in the Twenty-sixth Year of His present Majesty's Reign, intituled "An Act for the more effectual Encouragement of the British Fisheries."	
30 Geo. 3. c. 54 ..... 31 Geo. 3. c. 45 ..... 35 Geo. 3. c. 54 ..... 35 Geo. 3. c. 56 ..... 36 Geo. 3. c. 77..... 36 Geo. 3. c. 118 ..... 37 Geo. 3. c. 94 ..... 38 Geo. 3. c. 58 ..... 39 Geo. 3. c. 100 ..... In part	An Act for vesting the Estates and Property of the Trustees of Westminster Fish Market in the Marine Society for the Purposes therein mentioned, and for discontinuing the Powers of the said Trustees. An Act for the Encouragement of the Pilchard Fishery, by allowing a further Bounty upon Pilchards taken, cured, and exported. An Act for the Encouragement of the Mackerel Fishery. An Act to continue and amend an Act made in the Twenty-sixth Year of the Reign of His present Majesty, intituled "An Act for the more effectual Encouragement of the British Fisheries." An Act to explain and amend an Act made in the last Session of Parliament, intituled "An Act for the Encouragement of the Mackerel Fishery." An Act to authorize the Sale of Fish at Billingsgate by Retail. An Act to continue an Act made in the Thirty-first Year of the Reign of His present Majesty, intituled "An Act for the Encouragement of the Pilchard Fishery, by allowing a further Bounty upon Pilchards taken, cured, and exported." An Act to continue until the First Day of March One thousand seven hundred and ninety-nine an Act made in the Thirty-fifth Year of the Reign of His present Majesty, intituled "An Act to continue and amend an Act made in the Twenty-sixth Year of the Reign of His present Majesty, intituled "An Act for the more effectual Encouragement of the British Fisheries." An Act to revive and continue until the End of the next Session of Parliament an Act made in the Thirty-fifth Year of the Reign of His present Majesty, to continue and amend an Act made in the Twenty-sixth Year of the Reign of His present Majesty, intituled "An Act for the more effectual Encouragement of the British Fisheries"; and to amend an Act made in the Twenty-sixth Year of the Reign of His present Majesty, for extending the Fisheries and improving the Sea Coast of this Kingdom. Section One.	In part; namely,
39 & 40 Geo. 3. c. 85..... 39 & 40 Geo. 3. c. 107..... 41 Geo. 3. sess. 2. c. 97... 41 Geo. 3. sess. 2. c. 99... 42 Geo. 3. c. 3 .....	An Act to continue until the Fifth Day of April One thousand eight hundred and one, and amend, an Act of the last Session of Parliament, for continuing several Acts for the Encouragement of the British Fisheries. An Act to permit until Six Weeks after the Commencement of the next Session of Parliament the Importation of Swedish Herrings into Great Britain. <i>An Act the Title of which begins with the Words "An Act to continue several Laws relating to encouraging the Fisheries," and ends with the Words "as relates to ascertaining the Strength of Spirits by Clarke's Hydrometer."</i> An Act for granting Bounties for taking and bringing Fish to the Cities of London and Westminster, and other Places in the United Kingdom. An Act to revive and continue until the Twenty-fifth Day of March One thousand eight hundred and three so much of an Act made in the Forty-first Year of the Reign of His present Majesty as relates to permitting the Use of Salt Duty-free in preserving of Fish, and to discontinuing the Bounty payable on White Herrings exported, and to indemnify all Persons who have issued or acted under any Orders for delivering Salt Duty-free for the Purposes in the said Act mentioned.	

SECOND SCHEDULE—*Continued.*

Date of Act.	Title of Act.
42 Geo. 3. c. 19.....	An Act to amend so much of an Act made in the Twenty-ninth Year of the Reign of His late Majesty King George the Second, intituled "An Act for explaining, amending, and rendering more effectual an Act made in the Twenty-second Year of His present Majesty's Reign, intituled 'An Act for making a free Market for the Sale of Fish in the City of Westminster, and for preventing the forestalling and monopolizing of Fish, and for allowing the Sale of Fish, under the Dimensions mentioned in a Clause contained in an Act of the First Year of His late Majesty's Reign, in case the same are taken with a Hook,' as relates to the Sale of Eels."
42 Geo. 3. c. 79 .....	An Act to revive and continue until the Fifth Day of April One thousand eight hundred and four, and to amend, several Acts passed in the Twenty-seventh, Thirty-fifth, and Thirty-ninth Years of His present Majesty's Reign, for the more effectual Encouragement of the British Fisheries; and to continue until the Fourteenth Day of June One thousand eight hundred and three, and from thence to the End of the then next Session of Parliament, so much of an Act of the Sixth Year of the Reign of His present Majesty as relates to the prohibiting the Importation of Foreign wrought Silks and Velvets.
42 Geo. 3. 3. lxxxviii .....	An Act for repealing so much of an Act made in the Second Year of the Reign of His present Majesty, intituled "An Act for the better supplying the Cities of London and Westminster with Fish, and to reduce the present exorbitant Price thereof; and to protect and encourage Fishermen," as limits the Number of Fish to be sold by Wholesale within the said City of London, and for the better Regulation of the Sale of Fish by Wholesale in the Market of Billingsgate within the said City.
43 Geo. 3. c. 29 .....	An Act the Title of which begins with the words "An Act to revive and continue," and ends with the words "to the End of the then next Session of Parliament."
44 Geo. 3. c. 86 .....	An Act for reviving, amending, and further continuing several Laws relating to the more effectual Encouragement of the British Fisheries until the Fifth Day of April One thousand eight hundred and six, and to the Encouragement of the Trade and Manufactures of the Isle of Man, to the improving the Revenue thereof; and the more effectual Prevention of smuggling to and from the said Island, until the Fifth Day of July One thousand eight hundred and five.
45 Geo. 3. c. 102 .....	An Act to revive and continue an Act made in the Thirty-first Year of His present Majesty, intituled "An Act for the Encouragement of the Pilchard Fishery by allowing a further Bounty upon Pilchards taken, cured, and exported."
46 Geo. 3. c. 34 .....	An Act for further continuing until the Twenty-fifth Day of March One thousand eight hundred and seven an Act made in the Thirty-ninth Year of His present Majesty, for the more effectual Encouragement of the British Fisheries.
47 Geo. 3. sess. 2. c. 51...	An Act to revive and continue until the Twenty-fifth Day of March One thousand eight hundred and eight an Act of the Thirty-ninth Year of His present Majesty, for the more effectual Encouragement of the British Fisheries.
47 Geo. 3. sess. 2. c. 67...	An Act to permit, until the End of the next Session of Parliament, the Importation of Swedish Herrings into Great Britain.
48 Geo. 3. c. 86.....	An Act to revive and continue until the Twenty-fifth Day of March One thousand eight hundred and nine an Act of the Thirty-ninth Year of His present Majesty, for the more effectual Encouragement of the British Fisheries.

SECOND SCHEDULE—*Continued.*

Date of Act.	Title of Act.
48 Geo. 3. c. 110 ..... In part.	An Act for the further Encouragement and better Regulation of the British White Herring Fishery until the First Day of June One thousand eight hundred and thirteen, and from thence to the End of the then next Session of Parliament. Except Sections 4, 5, 7, 9, 10, 11, 12, 18, 31, 32, 34 to 45, 47 to 50, 51, 53, 54, and 56 to 60, so far as they relate to Scotland, and are not inconsistent with this Act.
50 Geo. 3. c. 54.....	An Act to revive and continue until the Twenty-fifth Day of March One thousand eight hundred and eleven an Act of the Thirty-ninth Year of His present Majesty, for the more effectual Encouragement of the British Fisheries.
50 Geo. 3. c. 108..... In part.	An Act to amend and enlarge the Powers of an Act passed in the Second Year of His present Majesty, for the Encouragement of the Fisheries of this Kingdom, and the Protection of the Persons employed therein. Sections One to Four.
51 Geo. 3. c. 34.....	An Act for continuing the Premiums allowed to Ships employed in the Southern Whale Fishery.
51 Geo. 3. c. 101.....	An Act for amending an Act of the Forty-eighth Year of His present Majesty, for regulating the British White Herring Fishery.
52 Geo. 3. c. 42 .....	An Act for amending the Laws relating to the Allowance of the Bounties on Pilchards exported until the Twenty-fourth Day of June One thousand eight hundred and nineteen.
54 Geo. 3. c. 102 .....	An Act to continue until the End of the next Session of Parliament several Acts relating to the British White Herring Fishery.
55 Geo. 3. c. 94 .....	An Act to continue and amend several Acts relating to the } British White Herring Fishery. } Except Sections 1 to 4, 9 to 15, 17, 18, 20, 21, 23, 31 to 33, and 38 to 43, so far as they relate to Scotland, and are not inconsistent with this Act.
59 Geo. 3. c. 77.....	An Act to continue until the Twenty-fourth Day of June One thousand eight hundred and twenty-six an Act for amending the Laws relating to the Allowance of the Bounties on Pilchards exported.
1 Geo. 4. c. 82.....	An Act to amend an Act of the Fifty-ninth Year of the Reign of His late Majesty King George the Third for the Encouragement and Improvement of the Irish Fisheries.
1 Geo. 4. c. 103 .....	An Act for the further Encouragement and Improvement of the British Fisheries.
1 & 2 Geo. 4. c. 79 ..... In part.	An Act to repeal certain Bounties granted for the Encouragement of the Deep Sea British White Herring Fishery, and to make further Regulations relating to the said Fishery. Except Section 9 and except Sections 3 and 5 so far as they relate to Scotland.
5 Geo. 4. c. 64 .....	An Act to amend the several Acts for the Encouragement and Improvement of the British and Irish Fisheries. Sections 1 to 8.
7 Geo. 4. c. 34 .....	An Act to amend an Act of the Fifth Year of His present Majesty, for amending the several Acts for the Encouragement and Improvement of the British and Irish Fisheries.
11 Geo. 4. & 1 Will. 4. c. 54. In part.	An Act to revive, continue, and amend several Acts relating to the Fisheries. So much as relates to England, and so much as is inconsistent with this Act.

SECOND SCHEDULE—*Concluded.*

Date of Act.	Title of Act.
4 & 5 Will. 4. c. 20.....	An Act to explain and amend an Act passed in the Thirty-third Year of the Reign of His late Majesty King George the Second, to regulate the Conveyance and Sale of Fish at first hand.
6 & 7 Vict. c. 79.....	An Act to carry into effect a Convention between Her Majesty and the King of the French concerning the Fisheries in the Seas between the British Islands and France.
14 & 15 Vict. c. 26..... In part.	An Act to amend the Acts relating to the British White Herring } In part; Fishery. } namely, Sections 5 and 6.
18 & 19 Vict. c. 101.....	An Act for the more effectual Execution of the Convention between Her Majesty and the French Government concerning the Fisheries in the Seas between the British Islands and France.
23 & 24 Vict. c. 92..... In part.	An Act to amend the Law relative to the Scottish Herring } In part; Fisheries. } namely, Sections 7, 11 to 13, and 25.
24 & 25 Vict. c. 72..... In part.	An Act to make further Provision for the Regulation of the } In part; British White Herring Fishery in Scotland. } namely, Sections 2, 3, and 6, and so much of the Remainder of the Act as is inconsistent with this Act.
28 & 29 Vict. c. 23..... In part.	An Act to amend the Acts relating to the Scottish Herring } In part; Fisheries. } namely, So much as is inconsistent with this Act.
29 & 30 Vict. 3. 85.....	An Act to facilitate the Establishment, Improvement, and Maintenance of Oyster and Mussel Fisheries in Great Britain.
30 & 31 Vict. c. 18.....	An Act for the Preservation and further Protection of Oyster Fisheries.

No 24.

*Colonial Office to Lord Lansdowne.*

DOWNING STREET, 8th March, 1888.

SIR,—I am directed by the Secretary of State for the Colonies to inform you that the undermentioned Parliamentary papers have been sent to you by book post;

Title of Paper.	No. of Copies.
C. 5262.—North American Fisheries 1887-88, with despatches enclosing Treaty .....	12
Signed at Washington, 15th February, 1888.	

I have, &amp;c.,

(Signed) ROBERT G. W. HERBERT.

The OFFICER ADMINISTERING  
the Government of Canada.

[Enclosure No. 1.]

[C.—5262.]

FURTHER CORRESPONDENCE RESPECTING NORTH AMERICAN FISHERIES, 1887-88, WITH DESPATCH ENCLOSING TREATY SIGNED AT WASHINGTON, FEBRUARY 15, 1888.

[In continuation of "United States No. 2 (1887)": C.—4995.]

No. 1.

*The Marquis of Salisbury to Her Majesty's Plenipotentiaries to the Fisheries Conference.*

FOREIGN OFFICE, 24th October, 1887.

GENTLEMEN,—The Queen has been graciously pleased to appoint you to be Her Majesty's Plenipotentiaries to consider and adjust all or any questions relating to the rights of fishery in the seas adjacent to British North America and Newfoundland, which are in dispute between the Government of Her Britannic Majesty and that of the United States of America, and any other questions which may arise with the respective plenipotentiaries may be authorized by their Governments to consider and adjust.

I transmit to you herewith Her Majesty's full powers to that effect, and I have to give the following instructions for your guidance:—

The main question which you will be called upon to discuss arises in connection with the fisheries prosecuted by citizens of the United States on the Atlantic shores of British North America and Newfoundland. The correspondence which has already been placed at your disposal will have made you familiar with the historical features of the case up to the conclusion of the Treaty of Washington, and it appears, therefore, needless at the present moment to recapitulate the various negotiations which have taken place on the subject of these fisheries previously to the year 1871.

I transmit to you herewith a copy of the Treaty of Washington of the 8th May, 1871, from which you will perceive that by the Fishery Articles thereof (Articles XVIII to XXV, XXX, XXXII, and XXXIII), the Canadian and Newfoundland inshore fisheries on the Atlantic coast, and those of the United States north of the 39th parallel of north latitude, were thrown reciprocally open, and fish and fish oil were reciprocally admitted duty free.

In accordance with the terms of these Articles the difference in value between the concessions therein made by Great Britain to the United States was assessed by the Halifax Commission at the sum of 5,500,000 dollars for a period of twelve years, the obligatory term for the duration of these articles.

At the expiration of the stipulated period the United States' Government gave notice of termination of the Fishery Articles, which consequently ceased to have effect on the 1st July, 1885; but the Canadian Government, being loath to subject the American fishermen to

the hardship of a change in the midst of a fishing season, consented to allow them gratuitously to continue to fish inshore and to obtain supplies without reference to any restrictions contained in the Convention of 1818 till the end of the year 1885, on the understanding that a Mixed Commission should be appointed to settle the fisheries question, and to negotiate for the development and extension of trade between the United States and British North America.

The proposed Commission not having been constituted and no settlement having consequently been arrived at, the Convention of the 20th October, 1818, came into force again at the commencement of the year 1886.

Article I of that Convention is as follows :—

#### “ARTICLE I.

“Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company. And that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the abovementioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.”

Under these circumstances numerous seizures of American fishing vessels have subsequently been effected by the Canadian authorities for infraction of the terms of the Convention and of their municipal law and customs regulation.

The enclosed correspondence will place you in full possession of the various points which have consequently arisen in diplomatic correspondence between the two Governments, and I do not desire to enter upon them in detail in the present instructions, nor to prescribe any particular mode of treating them, it being the wish of Her Majesty's Government that a full and frank discussion of the issues involved may lead to an amicable settlement in such manner as may seem most expedient, and having due regard to the interests and wishes of the British colonies concerned.

Her Majesty's Government feel confident that the discussions in this behalf will be conducted in the most friendly and conciliatory spirit, in the earnest endeavor to effect a mutually satisfactory arrangement and to remove any causes of complaint which may exist on either side.

Whilst I have judged it advisable thus, in the first place, to refer to the question of the fisheries of the Atlantic coast, it is not the wish of Her Majesty's Government that the discussions of the plenipotentiaries should necessarily be confined to that point alone, but full liberty is given to you to enter upon the consideration of any questions which may bear upon the issues involved, and to discuss and treat for any equivalents, whether by means of tariff, concessions, or otherwise, which the United States' plenipotentiaries may be authorized to consider as a means of settlement.

The question of the seal fisheries in the Behring Sea, the nature of which will be explained in a separate despatch, has been specifically included in the terms of reference, but you will understand that if the United States' plenipotentiaries should be authorized to discuss that subject it would come within the terms of the reference, and that you have full power and authority to treat for a settlement of the points involved, in any manner which

may seem advisable, whether by a direct discussion at the present Conference or by a reference to a subsequent Conference to adjust that particular question.

If the Government of Newfoundland depute an agent to attend at Washington during the Conference, you will avail yourselves of his advice and assistance in any matters concerning Newfoundland which may arise in the course of the discussions.

I am, &c.,

(Signed) SALISBURY.

[Annex No. 1.]

*Full Powers to Mr. Chamberlain, Sir J. West and Sir C. Tupper to negotiate with the Plenipotentiaries of the United States on the North American Fisheries Conference, October 24, 1887.*

Victoria, R. and I.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, &c., &c., &c. To all and singular to whom these presents shall come, greeting.

WHEREAS for the purpose of considering and adjusting in a friendly spirit with plenipotentiaries to be appointed on the part of our good friends the United States of America, all or any questions relating to rights of fishery in the seas adjacent to British North America and Newfoundland which are in dispute between our Government and that of our said good friends, and any other questions which may arise which the respective plenipotentiaries may be authorized by their Governments to consider and adjust, we have judged it expedient to invest fit persons with full power to conduct on our part the discussions in this behalf:

Know ye, therefore, that we, reposing especial trust and confidence in the wisdom, loyalty, diligence and circumspection of our right trusty and well beloved Counsellor Joseph Chamberlain, a member of our most Honorable Privy Council, and a Member of Parliament, &c., &c.; of our trusty and well-beloved the Honorable Sir Lionel Sackville Sackville West, Knight Commander of our most distinguished Order of St. Michael and St. George, our Envoy Extraordinary and Minister Plenipotentiary to our said good friends the United States of America, &c., &c., and of our trusty and well-beloved Sir Charles Tupper, Knight Grand Cross of our most distinguished Order of St. Michael and St. George, Companion of our most Honorable Order of the Bath, Minister of Finance of the Dominion of Canada, &c., &c.:

Have named, made, constituted and appointed, as we do by these presents, name, make, constitute, and appoint them our undoubted plenipotentiaries, giving to them or to any two of them all manner of power and authority to treat, adjust, and conclude with such plenipotentiaries as may be vested with similar power and authority on the part of our good friends the United States of America, any treaties, conventions, or agreements that may tend to the attainment of the above-mentioned end, and to sign for us and in our name everything so agreed upon, and concluded, and to do and transact all such other matters as may appertain to the finishing of the aforesaid work in as ample manner and form, and with equal force and efficiency as we ourselves could do if personally present:

Engaging and promising upon our Royal word that whatever things shall be so transacted and concluded by our said plenipotentiaries shall be agreed to, acknowledged, and accepted by us in the fullest manner, and that we will never suffer, either in the whole, or in part, any person whatsoever to infringe the same, or act contrary thereto, as far as it lies in our power.

In witness whereof we have caused the great seal of our United Kingdom of Great Britain and Ireland to be affixed to these presents, which we have signed with our Royal hand.

Given at our Court at Balmoral, the 24th day of October, 1887, and in the fifty-first year of our reign.

[Annex No. 2.]

*Her Majesty's Plenipotentiaries to the Fisheries Conference to the Marquis of Salisbury.—*  
(Received February 27.)

WASHINGTON, 15th February, 1888.

MY LORD,—We have the honour to transmit herewith a Treaty signed this day by the plenipotentiaries of Great Britain and of the United States for the settlement of the fishery



question on the Atlantic coast of North America, together with two protocols establishing a *modus vivendi* of a temporary character to prevent the occurrence of disputes pending the ratification of the treaty.

We have, &c.,

(Signed)

J. CHAMBERLAIN,  
L. S. SACKVILLE WEST,  
CHARLES TUPPER.

[Annex No. 3.]

*Treaty between Great Britain and the United States for the Settlement of the Fishery Question on the Atlantic Coast of North America. Signed at Washington, February 15, 1887.*

WHEREAS differences have arisen concerning the interpretation of Article I of the Convention of the 20th October, 1818; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, being mutually desirous of removing all causes of misunderstanding in relation thereto, and of promoting friendly intercourse and good neighborhood between the United States and the possessions of Her Majesty in North America, have resolved to conclude a treaty to that end, and have named as their plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Joseph Chamberlain, M.P.; the Honorable Sir Lionel Sackville Sackville West, K.C.M.G., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; and Sir Charles Tupper, G.C.M.G., C.B., Minister of Finance of the Dominion of Canada:

And the President of the United States, Thomas F. Bayard, Secretary of State; William L. Putnam, of Maine; and James B. Angell, of Michigan:

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:—

ARTICLE I.

The high contracting parties agree to appoint a mixed commission to delimit, in the manner provided in this Treaty, the British waters, bays, creeks and harbors of the coasts of Canada and of Newfoundland, as to which the United States, by Article I of the Convention of the 20th October, 1818, between Great Britain and the United States, renounced forever any liberty to take, dry, or cure fish.

ARTICLE II.

The Commission shall consist of two Commissioners to be named by Her Britannic Majesty, and of two Commissioners to be named by the President of the United States, without delay, after the exchange of ratifications of this treaty.

The Commission shall meet and complete the delimitation as soon as possible thereafter.

In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act as such, the President of the United States or Her Britannic Majesty, respectively, shall forthwith name another person to act as Commissioner instead of the Commissioner originally named.

ARTICLE III.

The delimitation referred to in Article I of this Treaty shall be marked upon British Admiralty charts by a series of lines regularly numbered and duly described. The charts so marked shall, on the termination of the work of the Commission, be signed by the Commissioners in quadruplicate, three copies whereof shall be delivered to Her Majesty's Government, and one copy to the Secretary of State of the United States. The delimitation shall be made in the following manner, and shall be accepted by both the high contracting parties as applicable for all purposes under Article I of the Convention of the 20th October, 1818, between Great Britain and the United States.

The 3 marine miles mentioned in Article I of the Convention of the 20th October, 1818 shall be measured seaward from low water mark; but at every bay, creek, or harbor, not

otherwise specially provided for in this treaty, such 3 marine miles shall be measured seaward from a straight line drawn across the bay, creek, or harbour, in the part nearest the entrance at the first point where the width does not exceed 10 marine miles.

#### ARTICLE IV.

At or near the following bays the limits of exclusion under Article I of the Convention of the 20th October, 1818, at points more than 3 marine miles from low water mark, shall be established by the following lines, namely:—

At the Baie des Chaleurs the line from the light at Birch Point on Miscou Island to Macquereau Point light; at the Bay of Miramichi, the line from the light at Point Escuminac to the light on the eastern point of Tabusintac Gully; at Egmont Bay, in Prince Edward Island, the line from the light at Cape Egmont to the light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from Cape Smoke to the light at Point Aconi.

At Fortune Bay, in Newfoundland, the line from Connaigre Head to the light on the south easterly end of Brunet Island, thence to Fortune Head; at Sir Charles Hamilton Sound the line from the south east point of Cape Fogo to White Island, thence to the north end of Peckford Island, and from the south end of Peckford Island to the east headland of Ragged Harbor.

At or near the following bays the limits of exclusion shall be 3 marine miles seaward from the following lines, namely:—

At or near Barrington Bay, in Nova Scotia, the line from the light on Stoddard Island to the light on the south point of Cape Sable, thence to the light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Cranberry Island light to Green Island light, thence to Point Rogue; at Mira Bay, the line from the light on the east point of Scatarie Island to the north-easterly point of Cape Morien; and at Placentia Bay, in Newfoundland, the line from Latine Point, on the eastern mainland shore, to the most southerly point of Red Island, thence by the most southerly point of Merasheen Island to the mainland.

Long Island and Bryer Island, at St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bay.

#### ARTICLE V.

Nothing in this Treaty shall be construed to include within the common waters any such interior portions of any bays, creeks, or harbors as cannot be reached from the sea without passing within the 3 marine miles mentioned in Article I of the Convention of 20th October, 1818.

#### ARTICLE VI.

The Commissioner shall from time to time report to each of the high contracting parties such lines as they may have agreed upon, numbered, described and marked as herein provided, with quadruplicate charts thereof; which lines so reported shall forthwith from time to time be simultaneously proclaimed by the high contracting parties, and be binding after two months from such proclamation.

#### ARTICLE VII.

Any disagreement of the Commissioners shall forthwith be referred to an umpire selected by Her Britannic Majesty's Minister at Washington and the Secretary of State of the United States; and his decision shall be final.

#### ARTICLE VIII.

Each of the high contracting parties shall pay its own Commissioners and officers. All other expenses jointly incurred, in connection with the performance of the work, including compensation to the umpire, shall be paid by the High Contracting Parties in equal moieties.

#### ARTICLE IX.

Nothing in this treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States.

## ARTICLE X.

United States' fishing-vessels entering the bays or harbors referred to in Article I of this treaty shall conform to harbor regulations common to them and to fishing-vessels of Canada or of Newfoundland.

They need not report, enter, or clear, when putting into such bays or harbors for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sunday, and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.

They shall not be liable in such bays or harbors for compulsory pilotage; nor, when therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the Convention of 20th October, 1818.

## ARTICLE XI.

United States' fishing vessels entering the ports, bays, and harbors of the eastern and north-eastern coasts of Canada or of the coasts of Newfoundland under stress of weather or other casualty may unload, reload, tranship, or sell, subject to customs laws and regulations, all fish on board, when such unloading, transshipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews.

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States' fishing vessels in such ports, promptly upon application and without charge; and such vessels having obtained licenses in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to trading vessels; but such provisions or supplies shall not be obtained by barter, nor purchased for resale or traffic.

## ARTICLE XII.

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coasts of the United States all the privileges reserved and secured by this treaty to United States' fishing vessels in the aforesaid waters of Canada and Newfoundland.

## ARTICLE XIII.

The Secretary of the Treasury of the United States shall make regulations providing for the conspicuous exhibition by every United States' fishing vessel of its official number on each bow; and any such vessel, required by law to have an official number, and failing to comply with such regulations, shall not be entitled to the licenses provided for in this treaty.

Such regulations shall be communicated to Her Majesty's Government previously to their taking effect.

## ARTICLE XIV.

The penalties for unlawfully fishing in the waters, bays, creeks, and harbors, referred to in Article I of this treaty, may extend to forfeiture of the boat or vessel and appurtenances, and also of the supplies and cargo aboard when the offence was committed; and for preparing in such waters to unlawfully fish therein, penalties shall be fixed by the court not to exceed those for unlawfully fishing; and for any other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, creeks, or harbors, penalties shall be fixed by the court, not exceeding in all 3 dollars for every ton of the boat or vessel concerned. The boat or vessel may be holden for such penalties and forfeitures.

The proceedings shall be summary and as inexpensive as practicable. The trial (except on appeal) shall be at the place of detention, unless the judge shall, on request of the defence, order it to be held at some other place adjudged by him more convenient. Security

for costs shall not be required of the defence, except when bail is offered. Reasonable bail shall be accepted. There shall be proper appeals available to the defence only, and the evidence at the trial may be used on appeal.

Judgments of forfeiture shall be reviewed by the Governor General of Canada in Council, or the Governor in Council of Newfoundland, before the same are executed.

#### ARTICLE XV.

Whenever the United States shall remove the duty from fish-oil, whale-oil, seal-oil and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada and of Newfoundland, including Labrador, as well as from the usual and necessary casks, barrels, kegs, cans, and other usual and necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland.

And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects, without duty being reimposed thereon, the privilege of entering the ports, bays, and harbors of the aforesaid coasts of Canada and Newfoundland shall be accorded to United States' fishing vessels by annual licenses, free of charge, for the following purposes, namely:—

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits;
2. Transshipment of catch, for transport by any means of conveyance;
3. Shipping of crews.

Supplies shall not be obtained by barter, but bait may be so obtained.

The like privileges shall be continued or given to fishing vessels of Canada and of Newfoundland on the Atlantic coasts of the United States.

#### ARTICLE XVI.

This treaty shall be ratified by Her Britannic Majesty, having received the assent of the Parliament of Canada and of the Legislature of Newfoundland; and by the President of the United States, by and with the advice and consent of the Senate; and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate, at Washington, this 15th day of February, in the year of our Lord 1888.

#### [Annex No. 4.]

#### *Protocol, dated February 15, 1888.*

The treaty having been signed, the British Plenipotentiaries desire to state that they have been considering the position which will be created by the immediate commencement of the fishing season before the treaty can possibly be ratified by the Senate of the United States, by the Parliament of Canada, and the Legislature of Newfoundland.

In the absence of such ratification the old conditions which have given rise to so much friction and irritation might be revived, and might interfere with the unprejudiced consideration of the treaty by the legislative bodies concerned.

Under these circumstances, and with the further object of affording evidence of their anxious desire to promote good feeling and to remove all possible subjects of controversy, the British plenipotentiaries are ready to make the following temporary arrangement for a period not exceeding two years, in order to afford a *modus vivendi* pending the ratification of the treaty:—

1. For a period not exceeding two years from the present date, the privilege of entering the bays and harbours of the Atlantic coasts of Canada and of Newfoundland shall be granted to the United States' fishing vessels by annual licenses at a fee of 1½ dollars per ton—for the following purposes:

The purchase of bait, ice, seines, lines and all other supplies and outfits.

Transshipment of catch and shipping of crews.

2. If, during the continuance of this arrangement, the United States should remove the duties on fish, fish-oil, whale and seal oil (and the coverings, packages, &c.), the said licenses shall be issued free of charge.

3. United States' fishing vessels entering the bays and harbors of the Atlantic coasts of Canada or of Newfoundland for any of the four purposes mentioned in Article I of the Convention of the 20th October, 1818, and not remaining therein more than twenty-four hours, shall not be required to enter or clear at the custom house, providing that they do not communicate with the shore.

4. Forfeiture to be exacted only for the offences of fishing or preparing to fish in territorial waters.

5. This arrangement to take effect as soon as the necessary measures can be completed by the colonial authorities.

(Signed)

J. CHAMBERLAIN,  
L. S. SACKVILLE WEST,  
CHARLES TUPPER.

WASHINGTON, February 15, 1888.

[Annex No. 5.]

*Protocol, dated February 15, 1888.*

The American Plenipotentiaries having received the communication of the British plenipotentiaries of this date conveying their plan for the administration to be observed by the Governments of Canada and Newfoundland in respect of the fisheries during the period which may be requisite for the consideration by the Senate of the treaty this day signed, and the enactment of the legislation by the respective Governments therein proposed, desire to express their satisfaction with this manifestation of an intention on the part of the British plenipotentiaries, by the means referred to, to maintain the relations of good neighborhood between the British possessions in North America and the United States; and they will convey the communication of the British plenipotentiaries to the President of the United States, with a recommendation that the same may be by him made known to the Senate for its information, together with the treaty, when the latter is submitted to that body for ratification.

(Signed),

T. F. BRAYARD,  
WILLIAM L. PUTMAN,  
JAMES B. ANGELL.

WASHINGTON, February 15, 1888.

[Annex No. 6.]

*Mr J. Chamberlain, M.P., to the Marquis of Salisbury.—(Received February 27.)*

WASHINGTON, February 16, 1888.

MY LORD,—I have the honor to inform you that the lengthened deliberations of the Conference have at last terminated in an agreement accepted by all the plenipotentiaries as a just and honorable settlement of the difficult questions which have arisen in connection with the North Atlantic fisheries.

This satisfactory result is largely due to the conciliatory spirit manifested on both sides, and to the strong sense entertained by all the conferees of the importance of removing all causes of irritation and of promoting good neighborhood and friendly intercourse between the United States and Canada and Newfoundland.

The main issues involved in the discussion are familiar to your lordship.

The successive abrogation by the United States of the Reciprocity Treaty of 1854, and recently of the fishery Articles of the Treaty of Washington, had subjected the relations between the two countries to the stipulations of the anterior Convention of 1818, by one of the clauses of which United States' fishermen were expressly precluded from entering the bays and harbors of Canada and Newfoundland, except on certain specified portions of the coast, for any other purposes whatever besides wood, water, shelter and repairs. The Canadian Government have construed strictly this right of exclusion, with the express object of preventing United States' fishermen from fishing in Canadian waters, and also from making Canada a base of supplies for their operations in connection with the deep-sea fisheries.

They have, however, always been willing to share either or both these advantages with the fishermen of the United States, provided that a fair equivalent were conceded in the shape of a modification of the American tariff in favor of Canadian products.

The United States' Government have contended that while the Canadian Government were justified in preventing fishing in their territorial waters, the refusal of ordinary commercial facilities to American fishermen was contrary to the comity of nations, and tended to pervert a treaty of amity, relating solely to the fisheries, into an instrument of injury to commercial intercourse.

The United States' Government have on the present occasion repudiated any desire to share the inshore fisheries of Canada, and the point in dispute has therefore been limited to the question of commercial facilities.

In the course of the discussion, it became evident that there existed a substantial agreement on the main facts of the case, and that while on the one hand the United States were ready to recognize the right of Canada to guard the interests of her fishermen in competition with those of the United States, and to withhold any special advantages conferred by the proximity of her ports and harbors to the common fishery grounds, and not expressly secured to the United States by treaty, the Canadian Government, on the other hand, were ready to afford all possible convenience and assistance which the claims of humanity or the courtesy of nations would justify, provided that these concessions were not abused or construed into the surrender of privileges essential, or, at the least, important, to the successful prosecution of the fishing industry.

The treaty now submitted gives expression to these views. It provides for the full concession of all commercial facilities to fishing vessels of the United States, whenever and so long as the products of Canadian fisheries are admitted free into the United States.

In the absence of such an arrangement, the Treaty establishes the future position of the respective parties and defines their rights. It provides for the delimitation of the exclusive fishing waters of the British Colonies, substantially on the basis of the North Sea Fishery Convention. It establishes a prompt and economical procedure for dealing with breaches of the treaty or of any laws and regulations affecting the fisheries; and while expressly excluding American fishermen from obtaining fishing supplies, it pledges the Governments of Canada and Newfoundland to afford to them every assistance and convenience that can be fairly asked for on grounds of humanity or international courtesy.

It also enlarges the conditions under which American fishermen have hitherto enjoyed the rights secured to them by the Convention of 1818.

Your Lordship will observe that the plenipotentiaries have exchanged protocols on the subject of a *modus vivendi* for a period of two years, in order to allow ample time for the consideration by the Senate of the United States and by the Legislatures of Canada and Newfoundland of the principal instrument.

By this arrangement, United States' fishermen will enjoy temporarily the advantages and commercial facilities contemplated by the treaty in consideration of a license issued at a moderate fee by the Governments of Canada and Newfoundland.

It may be hoped that in this way all possibility of the recurrence of the irritating incidents which marked the fishery season of 1886, and in a less degree that of 1887, may be obviated. I venture to hope that these arrangements will be approved by Her Majesty's Government, and that they may assist in confirming and extending the friendly and cordial relations between the United States and Great Britain.

I have great pleasure in saying that the relations between the British plenipotentiaries have been of the most cordial and harmonious character throughout the whole of this protracted discussion. The desire felt by Sir Lionel West and myself to remove all just cause of irritation has been fully shared by Sir Charles Tupper, whose intimate knowledge of the subject of controversy has materially contributed to the successful issue of the negotiations. I have also to acknowledge the great advantage I have derived from the tact and large experience of Sir Lionel West.

Mr. Winter, Attorney-General of Newfoundland, was in Washington during the greater part of the proceedings, and was able to keep the British plenipotentiaries fully informed of the views of his Government. At the request of the British plenipotentiaries, Mr. Winter was invited to lay before the Conference the special case of Newfoundland, and presented a memorandum dealing with the subject, which has already been forwarded to Your Lordship.

I desire to call Your Lordship's attention to the services rendered to me by my Secretaries, Mr. Bergue and Mr. Maycock.

The staff of the Commission was, at my own desire, on a much smaller scale than has been usual in missions of this character. This has necessarily thrown on the two gentlemen who accompanied me a great amount of labor and responsibility which have been cheerfully borne by them, and I cannot over-estimate the value of the assistance they have given to me, and of the experience and knowledge of the subject which they have placed at my disposal.

I have, &c.,  
(Signed)

J. CHAMBERLAIN.

No. 25.

*Lord Knutsford to Lord Lansdowne.*

(Telegram).

12th March, 1888.

Send home as soon as possible any amended fishery instructions which may be issued in consequence of recent Treaty of Washington and *modus vivendi*.

(Signed) *Secretary of State.*

No. 26.

*Lord Lansdowne to Lord Knutsford.*

(Telegram).

13th March, 1888.

Referring to your telegram of the 12th March no new instructions will be given  
 No. 26. until ratification of treaty and *modus vivendi* by Canadian Parliament, to which a measure will be submitted in a few days.

(Signed) LANSDOWNE

No. 27.

*Lord Lansdowne to Lord Knutsford.*

(No. 82.)

GOVERNMENT HOUSE, OTTAWA, 21st March, 1888.

MY LORD,—I have the honor to transmit to you a copy of an approved Minute of a Committee of the Privy Council, 8th March, 1888, concurring in a recommendation of my Minister of Justice who has advised that for the reasons stated in his report, the proceedings against the United States' fishing vessels "David J. Adams" and "Ella M. Doughty," libelled in the Vice-Admiralty Court at Halifax, for violation of the statutes relating to fishing by foreign vessels, be discontinued upon the understanding that the owners or their representatives give an undertaking which will prevent such a step being made the basis for a claim for damages or expenses.

I have, &amp;c.,

(Signed) LANSDOWNE.

The Right Hon.

LORD KNUTSFORD, G.C.M.G., &amp;c., &amp;c.

[Enclosure, No. 1.]

CERTIFIED COPY of a Report of Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 8th March, 1888.

On a report, dated 24th February, 1888, from the Minister of Justice, submitting for your Excellency's consideration the cases of the United States' fishing vessels "David J. Adams" and "Ella M. Doughty."

The Minister observes that these vessels were libelled in the Vice-Admiralty Court at Halifax for violation of the statutes relating to "fishing by foreign vessels" and relating to the convention between Great Britain and the United States of the 20th October, 1818.

The proceedings were understood by the counsel on the part of the Crown to be closed early in the year, 1886; but an application was made by the counsel for the defence for a protracted adjournment in order that further evidence might be taken.

That the effect of the adjournment which was granted on this application was that the causes were not heard until June, 1887, when they were heard by the Hon. James McDonald, Judge of the Vice-Admiralty Court for the Province of Nova Scotia. Judgment was reserved and has not yet been delivered.

The Minister desires to remind your Excellency that these proceedings were taken for the purpose of asserting and establishing the right of Canada under the Convention of 1818, to prevent the purchase of bait and other fishery supplies in Canadian ports by United States' fishing vessels, and to prevent such vessels from entering such ports for the shipping of crews.

As, however, the result of the negotiations recently concluded at Washington has been to show that no further difference of opinion between the two Governments upon these points is to be apprehended, it appears to the Minister of Justice unnecessary that a judicial decision should be sought to affirm the right above mentioned.

The Minister, therefore, recommends that he be authorized to discontinue the proceedings against the vessels before mentioned, provided the owners or their representatives give an undertaking which will prevent such a step being made the basis for a claim for damages or expenses.

The Committee, concurring in the recommendation of the Minister of Justice, advise that copy of this minute be forwarded to the Right Honorable the Secretary of State for the Colonies in order that the reasons for the action above recommended may be in possession of Her Majesty's Government.

(Signed)

JOHN J. MCGEE,

*Clerk of Privy Council.*

No. 28.

*Lord Knutsford to Lord Landsdowne.*

DOWNING STREET, 14th March, 1888.

No. 88.

MY LORD,—I am directed by the Secretary of State to transmit to you for communication to your Ministers the documents specified in the annexed Enclosures of No. 24. schedule.

I have, &c.,

(Signed),

ROBERT G. W. HERBERT.

The OFFICER ADMINISTERING the  
Government of Canada.

DATE.	Description.
	Fishery Treaty with United States.





## RETURN

(40h)

To an ORDER of the HOUSE OF COMMONS, dated the 28th March, 1888, For a Return showing the number of Colonization Companies now in existence in Manitoba and the North-West, the number of settlers they have put on their lands during the years 1885, '86 and '87, the amount of money paid by the several companies on account of lands purchased from the Crown during the same period, the amount of money paid to the Crown on account of purchase of land from the Crown by all other parties during the same years.

By Command.

J. A. CHAPLEAU,  
*Secretary of State.*

OTTAWA, 19th May, 1888.

RETURN concerning Colonization Companies, &c., called for by an Order of the House of Commons of the 28th March, 1888.

Name of Company.	Number of settlers on tract in 1885.	Number of settlers placed in 1886.	Number of settlers placed in 1887.	Amount paid to Crown in 1886 and 1887	Remarks.
Shell River Colonization Co.....	43	7	7	Nil.	
Temperance Colonisation Co.....	66	4	20	do	
P. Purcell.....	0	0	0	do	No settlers ever placed on the ground. do do
P. V. Valin.....	0	0	0	do	

Amount of money paid to the Crown on account of purchase of land from the Crown by all other parties during the same years, namely:—

1885.....	\$244,634 92
1886.....	290,798 38
1887.....	385,815 95
<b>Total.....</b>	<b>\$921,249 25</b>

## C O P Y

(53)

Of Despatches from Sir L. West to Lord Lansdowne; and from Sir L. West to Lord Salisbury; and also a certified copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, relative to the admission of certain articles free of duty when it appears to the satisfaction of the Governor General in Council that similar articles from Canada may be imported into the United States free of duty.

*Sir L. West to Lord Lansdowne.*

WASHINGTON, 21st March, 1888.

MY LORD,—I have the honor to enclose to your Lordship, herewith, copy of a despatch which I have addressed to the Marquis of Salisbury, as well as a copy of a memorandum which accompanied it, relative to action on the part of Your Excellency's Government, which it is sought to obtain under the Canadian Statutes, 42 Victoria, chap. 15, sec. 6.

I have, &c.,

L. S. SACKVILLE WEST.

His Excellency the Marquis of Lansdowne.

*Sir L. West to Lord Salisbury.*

WASHINGTON, 21st March, 1888.

MY LORD,—The Under Secretary of State informed me that the Department had lately had under consideration the Canadian Statute, 42 Victoria, chap. 15, sec. 6, with the view of obtaining, if possible, the application of its provisions to the United States.

He said he would send me a memo. on the subject, which I duly received, and a copy of which is herewith enclosed. He then asked me if I thought the Dominion Government could be induced to take action in the matter, and I replied that I would submit the memo. to Her Majesty's Government.

I have forwarded copy of this despatch, as well as copy of the memo. in question, to the Marquis of Lansdowne.

I have, &c.,

L. SACKVILLE WEST.

(*Memorandum.*)

The Tariff Act of 3rd March, 1883, puts on the free list:—

1. Fruits, green, ripe or dried, not specially enumerated or provided for in the said Act 22, Stat., p. 519.

2. Plants, trees, shrubs and vines of all kinds, and seeds of all kinds, except medicinal seeds, not specially enumerated or provided for in said Act 22, Stat., p. 520.

For exceptions, see titles "fruits" and "seeds" in Heyt's Import Duties (1887), part II, pages 32 and 79.

The Canadian Statute of 42 Victoria, chap. 15, sec. 6 (Rev. Stat. Canada (1886) vol. 1, chap. 33, sec. 9), provides that green fruit, seeds of all kinds, plants, trees and shrubs, may be admitted into Canada, free of duty, upon proclamation by the Governor in Council, which may be issued whenever it appears to his satisfaction that similar articles from Canada may be imported into the United States free of duty.

In view of the fact that the above named articles are admitted free of duty (excepting a few kinds of seeds) into the United States, it is thought that the same should be admitted into Canada free of duty, when exported thither from the United States.

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 4th April, 1888.*

The Committee of the Privy Council have had under consideration a despatch dated 21st March, 1888, from Her Majesty's Minister at Washington, transmitting copy of a despatch which he had addressed to the Marquis of Salisbury, relative to action on the part of the Canadian Government which it is sought to obtain under the Canadian Statute 42 Vic., cap. 15, sec. 6, which provides that certain articles may be admitted into Canada free of duty whenever it appears to the satisfaction of the Governor in Council that similar articles from Canada may be imported into the United States free of duty.

The Minister of Finance, to whom the despatch and enclosure were referred, observes that it appears therefrom that the Under Secretary of State of the United States had informed Sir L. S. Sackville West that the department had lately had under consideration the Canadian Statute above mentioned, with the view of obtaining, if possible, the application of its provisions to certain commodities recently placed upon the free list of imports entering the United States, but still subject to duty when entering the Dominion of Canada, that he had sent to Sir L. S. Sackville West a memorandum on the subject, and had asked Sir L. S. Sackville West if he thought the Dominion Government could be induced to take action in the matter to which Sir L. S. Sackville West replied that he would submit the memorandum to Her Majesty's Government.

The memorandum inclosed is as follows :

**MEMO.:**—The Tariff Act of the 3rd March, 1883, puts in the free list :

"I. Fruits, green, ripe or dried; not specially enumerated or provided for in the said Act 22, Stat., p. 519.

"II. Plants, trees, shrubs, and vines of all kinds, and seeds of all kinds, except medicinal seeds, not specially enumerated or provided for in said Act 22, Stat., p. 250.

"For exceptions see titles "fruits" and "seeds" in Heyt's Import Duties, 1887, Part III, pages 32 and 79.

"The Canadian Statute of 42 Vic., cap. 15, section 6, Revised Statutes of Canada (1886) Vol. I, cap. 33, sec. 9, provides that green fruits, seeds of all kinds, plants, trees and shrubs may be admitted into Canada free of duty upon proclamation by the Governor in Council, which may be issued whenever it appears to his satisfaction that similar articles from Canada may be imported into the United States free of duty.

"In view of the fact that the above named articles are admitted free of duty (excepting a few kinds of seeds) into the United States, it is thought that the same should be admitted into Canada free of duty when exported thither from the United States."

The Minister recommends that, as the attention of the Governor in Council has been called to the provisions of the 6th section of the Canadian Tariff Act, 42nd Vic., cap. 15, above referred to (Rev. Stat. of Canada, cap. 33, sec. 9,) and as it has been shown to his satisfaction that the articles hereinafter specified, are admitted into the United States free of Customs duty, a proclamation of the Governor in Council be issued placing the same upon the list of articles which may be imported into Canada free of Customs duty, viz. :—

---

Green fruits, viz.: Bananas, olives, pine apples, plaintains, tamarinos, apples, blackberries, gooseberries, raspberries, strawberries, cherries, cranberries, peaches, plums, quinces, apricots, lichi fruit, mangos and melons.

Seeds, viz.: Anise, anise star, canary, caraway, coriander (crude), cardamon (crude), chia, cinnamon (crude), fenugreek (crude), fennel (crude), jute, mustard, brown and white, sugar beet, seeds of fruit trees, sesame.

Plants, trees and shrubs, viz.: Apple, peach, pear, plum, cherry, quince, and all other fruit trees, gooseberry, raspberry, blackberry, currant and rosebushes, grapevines, shade, lawn and ornamental trees, shrubs and plants.

The Committee advise that a proclamation do issue as recommended by the Minister of Finance.

The Committee further advise that Your Excellency be moved to transmit copies of the proclamation as well as copies of this Minute to the Right Honorable the Secretary of State for the Colonies and also to Her Majesty's Minister at Washington.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. McGEHE, *Clerk Privy Council.*

To the Honorable the Minister of Finance.

## RETURN

(586)

To an ADDRESS of the HOUSE OF COMMONS, dated the 9th April, 1888:—  
For Copies of all Correspondence exchanged with the Imperial Government concerning the disallowance of the Railways Acts of Manitoba.

By Command,

J. A. CHAPLEAU,  
*Secretary of State.*

DEPARTMENT OF SECRETARY OF STATE,  
13th April, 1888.

OTTAWA, 4th January, 1888.

SIR,—I have the honor to enclose herewith copies of the following documents:—

(1.) Despatch addressed by the Lieutenant Governor of the Province of Manitoba to the Dominion Government transmitting a memorial to Her Majesty in Council upon the subject of the disallowance of the Red River Valley Railway Act, and other railway charters; the memorialists praying to be heard before Her Majesty in Council in reference to these disallowances.

(2.) An approved report of the Privy Council of Canada enclosing a memorandum, which has been prepared by my Ministers of the Interior and of Justice, upon the matters dealt with in the above mentioned memorial.

I have, &c.,

LANSDOWNE.

The Right Honorable SIR HENRY HOLLAND, &c., &c., &c.

GOVERNMENT HOUSE, WINNIPEG, MANITOBA, 12th October, 1887.

SIR,—I have the honor to forward by to-day's mail, per registered parcel post, for transmission to His Excellency the Governor General, a memorial to Her Most Excellent Majesty in Council, with the request that the same may be forwarded to the Secretary of State for the Colonies.

I have the honor, &c.,

J. O. AIKENS, *Lieut.-Governor.*

Honorable J. A. CHAPLEAU, Secretary of State, Ottawa, Ontario.

To Her Most Excellent Majesty in Council:

MAY IT PLEASE YOUR MAJESTY: the memorial of The Executive Council of the Province of Manitoba, Dominion of Canada, humbly sheweth:—

1. That it was amongst other things provided by the 146th section of "The British North America Act" that it should be lawful for the Queen, by and with the advice of Her Majesty's most Honorable Privy Council, on addresses from the Houses of the Parliament of Canada, to admit Rupert's Land and the North-Western Territory, or either of them, into the Union, on such terms and conditions in each case as are in the addresses and as the Queen thinks fit to approve, subject to the provisions of said British North America Act.

2. That on address from the Houses of Parliament of Canada, the Queen, by and with the advice and consent of Her Majesty's most Honorable Privy Council, under the authority of the said 146th section of "The British North America Act, 1867," did, by Order in Council in that behalf, admit Rupert's Land and the North-Western Territory into the Union, or Dominion of Canada, and there was formed out of the same the Province of Manitoba, which thenceforth became one of the Provinces of the Dominion of Canada, which Province of Manitoba was then bounded as follows, that is to say: Commencing at the point where the meridian of ninety-six degrees west longitude from Greenwich intersects the parallel of forty-nine degrees north latitude; thence due west along the said parallel of forty-nine degrees north latitude (which forms a portion of the boundary line between the United States of America and the said North-Western Territory) to the meridian of ninety-nine degrees of west longitude; thence due north along the said meridian of ninety-nine degrees west longitude to the intersection of the same with the parallel of fifty degrees and thirty minutes north latitude; thence due east along the said parallel of fifty degrees and thirty minutes north latitude to its intersection with the before mentioned meridian of ninety-six degrees west longitude; thence due south along the said meridian of ninety-six degrees west longitude to the place of the beginning.

3. That the terms and conditions on which Manitoba was admitted into the Union and became one of the Provinces of the Dominion of Canada are set forth in the Act of the Parliament of Canada, 32 and 33 Victoria, chapter 3, and amending Acts, which Acts are styled and known as "The Manitoba Act."

4. That it is provided by the second section of "The Manitoba Act" that on, from and after the said day on which the order of the Queen in Council shall take effect as aforesaid, the provisions of the said British North America Act, 1867, shall, except those parts thereof which are in terms made, or by reasonable intendment may be held to be specially applicable to, or only to affect one or more, but not the whole of the Provinces now composing the Dominion, and except so far as the same may be varied by this Act, be applicable to the Province of Manitoba in the same way and to the like extent as they apply to the several Provinces of Canada, and as if the Province of Manitoba had been one of the Provinces originally united by the said Act.

5. That it is amongst other things provided by the 92nd section of the British North America Act that in each Province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects therein enumerated, and sub-sections 10, 11 and 16 of said section 92 are in the words following:—

"10. Local works and undertakings other than such as are of the following classes:—

"(a.) Lines of steam or other ships, railways, canals, telegraphs and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province;

"(b.) Lines of steamships between the Province and any British or foreign country;

"(c.) Such works as, although wholly situate within the province, are before or after their execution, declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more of the Provinces;

"(11.) The incorporation of companies with provincial objects;

"(16.) Generally all matters of a merely local or private nature in the province."

6 That the Legislature of the Province of Manitoba by the said in part recited Acts acquired and ever since has had the undoubted and exclusive power to charter and construct lines of railway situate wholly within the boundaries of Manitoba as above defined and from any one point to any other point within the Province.

7. That by Act of the Parliament of Canada, 41 Victoria, chapter 1, intituled: "An Act respecting the Canadian Pacific Railway," a charter of incorporation was granted to 'The Canadian Pacific Railway Company,' on the terms and conditions in said Act fully set forth.

8. That the 15th clause of said charter is in the words and figures following:—

"15. For twenty years from the date hereof no line of railway shall be authorized by the Dominion Parliament to be constructed south of the Canadian Pacific Railway, from any point at or near the Canadian Pacific Railway, except such line as shall run south-west or to the westward of south-west, nor to within fifteen miles of latitude 49. And in the establishment of any new Province in the North-West Territories, provision shall be made for continuing such prohibition after such establishment until the expiration of the said period."

9. That while said Canadian Pacific Railway charter was being discussed, as aforesaid, in the Dominion Parliament, much alarm was occasioned in this Province, and public meetings were held protesting against the granting of a monopoly in the Province of Manitoba to the Canadian Pacific Railway, and the Legislature of this Province being then in session, the matter occupied much attention, and the following resolutions were introduced to and unanimously adopted by the Legislature on the subject:—

"WEDNESDAY, 22nd December, 1880.

"The Hon. Mr. Norquay, seconded by the Hon. Mr. Girard, moved the following:—

"Whereas it appears from a telegram dated 18th December, 1880, addressed by the Right Hon. Sir John A. Macdonald, Premier of the Government of Canada, to Thomas Scott, M.P. for Selkirk, that the Canadian Pacific Railway will have power to build branch lines anywhere;

"And whereas it is further intended, as appears from the publication of the terms on which the Canadian Pacific Railway syndicate have agreed to construct, equip, maintain and operate the said Canadian Pacific Railway, to grant to the said company the exclusive right of building and operating branch lines of railway to the international boundary between Canada and the United States;

"And whereas it appears further that the said company have the right of accepting only such alternate sections of land as they may think proper, and it is deemed that the powers intended to be granted to the company would be detrimental to the best interests of the Province of Manitoba;—

"And while this House is of opinion that the construction of the Canadian Pacific Railway should be entrusted to a private company, it views with alarm some of the terms of agreement between the Government and the syndicate.

"Therefore, be it resolved—

"Whereas it appears, &c., that for the present the Canadian Pacific Railway syndicate should have given to them power to build only the main line of the Canadian Pacific Railway, and that any other line or branch line should be built by the Syndicate or other company only after their obtaining power from time to time from the Parliament of Canada to build such line or branch line, and that the main line of the Canadian Pacific Railway shall not be allowed to approach at any point within 15 miles of the international boundary line, and that Parliament should not abandon its right of authorizing the construction of railways in any direction by other companies;

"That the syndicate shall not have the option of choosing and selecting their lands, but shall be compelled to take alternate sections or townships for their land grant in aid of the construction of the railway, irrespective of the quality of the same."

THURSDAY, 23rd December, 1880.

"On motion of Mr. Ross, seconded by Mr. Drummond, "Resolved,—That in the resolution passed by this House, in reference to the terms of agreement between the Dominion Government and the Canadian Pacific Railway syndicate, it did not commit itself to a limitation of the objectionable terms in the clauses of said contract."

10. That as fully appears from official reports of the Debates of the House of Commons of Canada for the years 1880 and 1881, when the said last named Act was being discussed in the said Parliament of Canada, it was strongly urged on the floor



of the House by way of objection to said clause 15 by certain members that it applied to Manitoba and would prevent the building of railways in Manitoba; and to such objection the Right Hon. Sir John A. Macdonald, then and still Premier of Canada and leader of the Government, among other things, said as follows:—

“There will be room for as many railways in that country by-and-bye as there are in Europe, and if there be any attempt—the attempt would be futile—on the part of the Canadian Pacific Railway to impose excessive prices and rates, it is folly that would soon be exposed by the construction of rival lines east and west which would open up our country in all directions and prove amply sufficient to prevent the possibility of a monopoly which has been made such a bugbear of by the honorable gentlemen opposite.

“In order to give them a chance, we have provided that the Dominion Parliament—mind you, the Dominion Parliament; we cannot check any other Parliament; we cannot check Ontario; we cannot check Manitoba—shall for the first ten years after the construction of the road, give their own road, into which they are putting so much money and so much land, a fair chance of existence.”

And the Hon. Thomas White, then a leading follower and supporter of the Premier and now a member of said Premier's Cabinet and Minister of the Interior, among other things, said as follows:—

“But we are told now that because of the fifteen miles clause there never can be any other railway into this country. To what does that apply? Simply to the territories over which the Dominion Parliament has control. There is nothing to prevent Manitoba now, if it thinks proper, granting a charter for a railway from Winnipeg to the boundary line. At this very moment there is a company in course of organization to build a railway from Winnipeg to West Lynne on the boundary. And after this agreement is ratified, this provision does not take from Manitoba a single right it possesses; in fact this Parliament could not take away those rights. It has the same rights as the other Provinces for the incorporation of railway companies within the boundaries of the Province itself, and there is nothing to prevent the Province of Manitoba from chartering a railway from Winnipeg to the boundary to connect with any southern railway. The only guarantee which this company has under the contract is that their traffic shall not be tapped far west in the prairie section, thus diverting the traffic away from the line, to a foreign line, but there is nothing to prevent a railway being built in Manitoba within the Province that would carry the traffic to any railway that may tap it from the American side. That is the position with respect to this matter.”

And after these assurances from the Government, and on the faith of these assurances, further opposition was withdrawn, and the said clause fifteen passed the House in the form in which it had been introduced as hereinbefore set forth.

11. That as appears from the official reports of the Debates of the House of Commons of Canada for the year 1884, Sir Charles Tupper, Minister of Railways, when urging on the Parliament of Canada the granting to the Canadian Pacific Railway Company of a loan of thirty millions of dollars (which loan was granted), amongst other things, said as follows:—

“I showed that the present Government had adopted the policy of their predecessors in regard to what is called the monopoly in the Province of Manitoba; that when the late Government undertook to carry on the construction of the Canadian Pacific Railway as a Government work, they felt bound to protect the traffic of the road from being drawn off to lines to the south of us in the adjoining Republic, and had, consequently, refused to issue a proclamation which would charter lines within the Province of Manitoba to connect with American lines to the south. I said that the present Government, when we came into power, adopted that policy; that we felt, as our predecessors did, that grappling with so gigantic a work as the construction of the Canadian Pacific Railway, we were bound to adopt every possible means of protecting our own lines against having its traffic drawn to lines to the south—and mark you, this was at a time when we did not contemplate at an early day carrying the Canadian Pacific Railway further than Port Arthur. I said further

that when we made it obligatory upon the Canadian Pacific Railway Company to extend at once the line north of Lake Superior, giving us an all-rail route from Montreal to the Pacific Ocean, or from Callendar to the Pacific Ocean, we felt obliged to give to that company, upon which we imposed such onerous obligations, all the security that we considered necessary, and that our predecessors in the Government had considered necessary for the protection of the Canadian Pacific Railway. But I am glad to be able to state to the House that, although, true to that policy, the Government refused to give assent to the construction of lines within the Province of Manitoba to connect with American railways to the south, such is the evidence presented by the operation of the line so far as it has gone, such is the conclusion arrived at by the Canadian Pacific Railway Company itself in regard to the ability of a through line of the Canadian Pacific Railway to take care of itself, and by the inherent power of its own advantages to maintain its position, notwithstanding any competition to which it may be subjected—although we have no power, under the contract, to touch any portion of the country in the North-West Territories, we are now in a position to review and to reconsider the policy of the late Government, and the policy of the present Government, as to the continued necessity for any long period of protecting the Canadian Pacific Railway against competition. I am glad to be able to state to the House that such is the confidence of the Canadian Pacific Railway Company in the power of the Canadian Pacific Railway to protect itself, that when the line is constructed north of Lake Superior, the Government feel it will not be incumbent upon them to preserve the position they have hitherto felt bound to preserve, that of refusing to consent to the construction of lines within the Province of Manitoba, connecting it with American railways to the south. I can give no better evidence to the House and to the country of the advanced position which we consider this great enterprise of the Canadian Pacific Railway has attained, than when I say that I feel it is consistent with what we owe to the people of this country and to that great national work, that the Government should not deem it incumbent on themselves to pursue the restrictive policy within the Province of Manitoba, which we have hitherto been obliged to maintain."

12. That after the passing of said Canadian Pacific Railway Act the Legislature of the Province did, according to its undoubted right (as hereinbefore referred to) by Acts of said Legislature, charter divers railway companies for the purpose of constructing, maintaining and operating lines of railway wholly situate within the Province as before defined, yet all of such Acts as chartered a line of railway to be constructed or operated to any point within fifteen miles of the international boundary line have been disallowed and vetoed by the Governor General of Canada in Council, and as the said Canadian Pacific Railway was then incomplete such disallowance was submitted to rather than in any way impede the completion and rendering permanent of the Canadian Pacific Railway, the same being a national highway.

13. That the said Canadian Pacific Railway has been completed for upwards of 18 months and has become permanent and probably the strongest railway corporation on this continent.

14. That the Province of Manitoba is separated from the markets of Eastern Canada by a distance of from 1,200 to 1,400 miles, and the Province has only two outlets, namely, one north of the chain of lakes by way of the main line of the Canadian Pacific Railway, *via* Thunder Bay, and the other south of Lakes Superior and Huron, by way of branches of the Canadian Pacific Railway to Gretna and Emerson, and thence by the St. Paul, Minneapolis and Manitoba Railway, south and east, with which last mentioned railway the Canadian Pacific Railway is in close alliance, and consequently no relief can be expected therefrom.

15. That there is no railway competition in the Province, the Canadian Pacific Railway Company having a monopoly of the carrying trade of this Province.

16. That the depression and discontent arising from lack of railway competition have become so great throughout the entire Province that the population almost unanimously demand that railway competition must be procured by the construction

of an independent line of railway running from Winnipeg (the capital city of the Province) to the southern limit of Manitoba within the Province, as defined in "The Manitoba Act," where freight can be transferred to an independent line of railway and thus competition procured.

17. That through an interview had with the Hon. Thomas White, then and now Minister of the Interior, on the 4th of March, A. D. 1887, in the city of Winnipeg, which is reported in the *Daily Manitoban* of the 5th of March as follows:—

"A deputation of representative Conservative citizens waited on Hon. Thomas White, Minister of the Interior, at the Dominion Lands Office, yesterday afternoon, and had a conference with him on the question of disallowance. Among the gentlemen composing the deputation were, G. F. Galt, R. J. Whitla, F. B. Robertson, W. B. Scarth, M. P., E. P. Leacock, M. P. P., A. V. McLennaghan, J. S. Aikens, G. F. Carruthers, J. B. Mather, J. H. Brock, J. Cosgrave, J. B. McKilligan, F. B. Ross, W. Heepeler, G. J. Maalson, C. Class, T. Gilroy, H. S. Crotty, and J. R. O'Laughlin."

"Mr. Scarth introduced the deputation to Mr. White, and in doing so urged the discontinuance of the Government's disallowance policy and dwelt strongly on the fact that he had been elected on a pledge to vote against the Government on this question.

"A desultory conversation then ensued, during which the sentiments of the deputation were expressed clearly to Mr. White. Mr. Whitla and Mr. Robertson were the principal spokesmen, and they pointed out how highly beneficial it would be to have competing lines of railway running in the country, that a more rapid development of the country would follow, that it would cause a confidence among the people and give a renewed impetus to the various industries of the country.

"All present were agreed that the time had arrived for the abolishment of disallowance within the old boundaries of Manitoba.

"Mr. White pointed out that when the Act was passed and sent to Ottawa he had no doubt that the Government would give it their attention, and that from the strong expressions of opinion from Manitoba and the North-West, in which friends of the Government were found to be most emphatic, the probabilities were that the law would be allowed to take its course. He quite appreciated the urgency of the case, and had no doubt that the Government would act promptly when a measure, in the event of one being passed, was submitted to them, so that in the event of the policy of disallowance being abandoned there may be no delay in making the financial arrangements for carrying out the enterprise.

"Mr. Carruthers said that it was expected the Local Legislature would meet about the 17th of the month, when a charter to build a line of railway to the boundary would be applied for, and as soon as it passed the House, the special assent of the Lieutenant Governor in Council would be requested. The charter would then be immediately transmitted to Ottawa with the request that the Government would reply whether or not it would be allowed. Mr. Carruthers asked Mr. White how soon a reply might be expected if this was done.

"Mr. White replied that a reply would be given without delay. He thought that if the Government intended to continue their disallowance policy the people should know at once.

"The deputation then withdrew, feeling satisfied from the manner in which Mr. White expressed himself that no further opposition may be apprehended from the Government in respect to allowing a railway to be built to the boundary."

And also through a speech delivered by the said Hon. Thomas White (then and now Minister of the Interior), in the city of Winnipeg, on the 7th day of March, 1887, in reply to an address presented to him by the Junior Conservative Association in which amongst other things he said as follows:

"Your address refers to the question of disallowance, and the elections which have recently occurred and the discussions to which they have given rise have added additional interest to the question. As you are aware, the contract with the Canadian Pacific Railway in no way interferes with the right of the Legislature of Manitoba to grant charters within the boundaries of the Province as they existed at

that time. This was very clearly pointed out during the debates in Parliament, when the contract with the syndicate and the charter to the company were granted. It was important, however, on every ground, commercial as well as national, that the Canadian Pacific Railway should be an all-through line on Canadian territory, and that we should not be dependent in any way upon American lines for our traffic with Manitoba and the North-West.

"The question now is, has the time arrived when the policy of disallowance may be safely abandoned? You will not, I am sure, expect me as an individual Minister to answer that question. No decision upon it has been arrived at by the Government that I am aware of, and until that decision has been arrived at it would be unfair to you and improper on my part to express a definite opinion. I have always regarded the policy as a temporary one. I have always regarded the statement of Sir Charles Tupper, when Minister of Railways, and when urging the thirty million dollar loan upon the acceptance of Parliament, as embodying the views of the Government. That statement was that the granting of that loan would secure the completion of the railway some four or five years before the time fixed in the original contract, and thus render possible the abandonment of the policy of disallowance at an earlier period. But whether that period has yet arrived must be left for the determination of the Government when the question comes formally before it. This I think I have a right to ask you to assume, that the decision will be come to, not in the interests of any railway corporation, but in the interests of the country, including those of Manitoba and the North-West Territories.

"Should the decision of the Government be in the sense that the people of Manitoba evidently hope it may be, I am quite sure that the Canadian Pacific Railway will be able to hold its own in the competition to which it may be subjected. (Hear, hear.) It occupies a position of special advantage over any other possible line to the south of it. It is shorter in mileage, and it is for its entire length under one management, an advantage the influence of which can hardly be over-estimated. Moreover, competition, resulting in creating a new interest in the development of Manitoba and the Territories, would soon create new and enlarged trade. That has been the result everywhere. In Ontario, for instance, where the Canadian Pacific Railway has invaded territory which the Grand Trunk Railway Company was disposed to regard as its exclusive possession, the result has been to enormously increase the general traffic, an increase in which the Grand Trunk has become a sharer. Everyone must rejoice to see that the traffic returns of that railway to which Canada has been so much indebted in the past, are showing a steady weekly increase, and I think I am right in saying that that increase has come chiefly from Canadian freight and passengers. (Cheers.) There will be trade enough in Manitoba and the North-West to afford profitable traffic returns for both the Canadian Pacific and the Grand Trunk Railways, if the latter should find entrance here, and it would be no small advantage to the country as a whole to have the large interests connected with these two great corporations enlisted in the work of developing the great west instead of, as there is too much reason to fear has been the case in the past, as to one of them, devoted rather to the prevention of that development."

The people of Manitoba were led to believe that the policy of disallowance of Manitoba railway legislation would not be further continued.

18. That the Legislature of Manitoba passed at the last session thereof (as hereinafter more fully set forth), "An Act to incorporate the Manitoba Central Railway Company," and "An Act to incorporate the Winnipeg and Southern Railway Company," which were assented to on the 19th day of April, 1887, and were transmitted to the Secretary of State forthwith thereafter, with the request that the Governor General in Council would pass upon them immediately, yet the Governor General in Council did not pass upon said two Acts until the 9th day of August, 1887.

19. That the Legislative Assembly of this Province as a consequence were, in the meantime, led to believe that the representations made by the said Hon. Thos. White, in Winnipeg, as aforesaid, were being adopted by the Dominion Executive,

and that the rights of the Province to charter lines of railway within the old Province of Manitoba would not in future be interfered with.

20. That the Legislature of this Province in that belief, and in compliance with the urgent desire of the people throughout the Province for the purpose of procuring railway competition by the construction of an independent line of railway, did, at the said last session of the said Legislature (which session was held in the months of April, May and June, 1887), unanimously pass an Act, intituled: "An Act respecting the construction of the Red River Valley Railway," and being chapter 4 of the Acts of this Province passed in the fiftieth year of Her Majesty's reign, for the purpose of constructing, maintaining and operating a Government line of railway from a point within the city of Winnipeg to a point within or near the town of West Lynne, within the Province of Manitoba, such railway to be styled and known as "The Red River Valley Railway," and to be a public work belonging to the Province of Manitoba, and the construction of the railway and its management to be under the charge of the Railway Commissioner for Manitoba (an authentic copy of which last-mentioned Act is hereunto annexed), and the said Act was assented to by His Honor the Lieutenant Governor and became law on the first day of June, A.D. 1887.

21. That in pursuance of and under the authority of said "Red River Valley Railway Act," the Railway Commissioner for Manitoba did advertise for tenders for the construction and equipping of said Red River Valley Railway, and on the 29th day of June, A.D. 1887, did enter into a contract for the construction and equipping of said railway, whereby the contractors became and are bound to construct and equip the said railway, and whereby the Province of Manitoba became and is bound to pay to the said contractors the sum of \$782,340.00 therefor.

22. That in pursuance of said "Red River Valley Railway Act" and of said contract, and prior to the 6th day of July, 1887, the said Railway Commissioner for Manitoba had the line of said railway surveyed and a large part of the right of way therefor purchased, and the contractors had sub-let by contract part of the work of construction and equipping of said railway, and the contractors and sub-contractors at once entered upon their work and prosecuted, and were on and prior to the 6th of July, 1887, prosecuting the same vigorously.

23. That the Legislature of this Province did at its last session pass a certain other Act, intituled: "An Act to amend the Public Works Act of Manitoba," by which Act the Minister of Public Works of the Province was (amongst other things) given authority to construct any public work at the expense of the Province, of which the construction is assigned to him by the Lieutenant Governor in Council.

24. That the Governor General in Council did, by Order in Council and proclamation, dated the 6th day of July, A.D. 1887, disallow the said Act, intituled: "An Act respecting the construction of the Red River Valley Railway," and the said Act intituled: "An Act to amend the Public Works Act of Manitoba," on the general ground (as set forth in the report of the Minister of Justice to Council), that each of the Acts referred to was in conflict with that policy of the Parliament and of the Government of Canada, by which it is sought to prevent the diversion of trade from the railway system of Canada to the railways of the United States.

25. That the Legislature of this Province did at its said last session pass certain other Acts granting charters to railway companies and amongst them an Act intituled: "An Act to incorporate the Winnipeg and Southern Railway Company," by which Act the company was given authority to construct a line of railway commencing at Winnipeg and running south or south-east to the international boundary of Canada and not extending beyond the Province of Manitoba, and an Act intituled: "An Act to incorporate the Emerson and North-Western Railway Company," by which Act the company is given authority to construct a railway from a point on the Red River at or near St. Jean Baptiste in a north-westerly direction to the town of Portage la Prairie; and also a branch line from some point on the said line of railway, in a westerly or north-westerly direction, to a point on the western boundary of the Province of Manitoba; and although the Legislature had full power and authority to pass

said two last-mentioned Acts, yet the Governor General in Council did, by Order in Council, dated the ninth day of August, 1887, disallow the said two last-mentioned Acts, on the ground (as set forth in the report of the Minister of Justice to Council), that the general objections taken in his report in regard to said "Act respecting the construction of the Red River Valley Railway" and the "Act to amend the Public Works Act of Manitoba," applied equally to the Acts then under consideration.

26. That the right of deciding what railway or other local public work should, in the interests of the Province, be built or constructed, is exclusively within the Local Legislature, and the interference with that right by disallowance of the Acts of the Legislature is a violation of the spirit of the British North America Act and an arbitrary exercise of the veto power.

27. That the Legislature of this Province has decided that in the interests of the Province the Red River Valley Railway should be constructed and to that end unanimously passed the said Act and authorized the construction of said railway as a public work of the Province.

28. That during said last Session of the Legislature of this Province, to wit, on the 9th day of June, 1887, the following resolution was unanimously passed by the Legislative Assembly:

"On motion of the Hon. Mr. Norquay, seconded by the Hon. Mr. Harrison,

"Resolved, —Whereas it is the avowed policy of the Government of the Dominion to continue to advise the disallowance of railway charters granted by the Legislature for the construction and operation of a line of railway to the southern boundary of the Province;

"And whereas it is of the utmost importance to the people of the Province that a charter for such a line of railway should be left to its operation, whereby they would be able to secure competing rates with the Canadian Pacific Railway, and obtain access to the markets of the world for their surplus produce by other than one channel;

"And whereas the rates charged by the Canadian Pacific Railway Company are so excessive that the energies of this Province are crippled to an unwarrantable extent;

"And whereas the continuance of such a policy on the part of the Federal Government is calculated to deter immigrants from settling in the Province and to prevent the investment of capital therein;

"And whereas it is claimed on the part of the Province that in chartering a line of railway wholly within the limits of the old Province, as defined by 33 Vic., cap. 3, the Legislature acts within its legal and constitutional right;

"Therefore be it resolved, That should the power of disallowance be further exercised in reference to charters granted by this Legislature for the construction and operation of a line or lines of railway wholly within the limits of the old Province of Manitoba, the Government are hereby authorized to submit the case of the Province appealing from the action of the Federal Government, and praying that Her Majesty may be pleased to order that in future the Province may be allowed to exercise in this respect her constitutional rights."

29. That the will of the people has been attempted to be set aside by the exercise of the power of disallowance, in disallowing the said Red River Valley Railway Act and said other railway charters.

30. And that by reason of the said policy of disallowance of provincial railway charters all classes of our people have suffered loss; distrust has been created where trust and confidence should have been inspired; trade and commerce have been mischievously unsettled and disturbed; immigration has been retarded; the progress of the Province has been seriously checked, and our people feel that in being deprived of their undoubted rights under the British North America Act they have not the full freedom of British subjects.

Your memorialists would therefore respectfully pray: That they may be heard before Your Majesty in Council through the Honorable John Norquay, First Minister and Provincial Secretary; the Honorable O. E. Hamilton, Attorney General of the

Province of Manitoba, and such counsel as may be retained, to further explain the injurious effects of such interference with the legislative powers of the Province, and that an early day be appointed for such hearing; and further, that the practice of disallowing Acts clearly within the power of the Local Legislature may be discontinued; and that in the future the Province may be allowed to exercise in this respect her constitutional rights.

And for such further or other relief as your memorialists may appear entitled to. And as in duty bound will ever pray.

Signed on behalf of the Executive Council of the Province of Manitoba,

J. NORQUAY, *President of Executive Council.*

#### CAP. IV.

### AN ACT RESPECTING THE CONSTRUCTION OF THE RED RIVER VALLEY RAILWAY.

[Assented to 1st June, 1887.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:—

1. There shall be a railway constructed from a point within the city of Winnipeg to a point within or near the town of West Lynne, within the Province of Manitoba, and said railway shall be styled and known as the "Red River Valley Railway."

#### INTERPRETATION.

2. In this Act the following words and expressions shall have the meaning hereby assigned to them unless there be something in the subject or context repugnant to such construction:

(a.) The term "conveyance" shall include a surrender to the Crown, and any conveyance to the Crown or to the railway commissioner for Manitoba, or any officer of the department, in trust for the use of the Crown, shall be held to be a surrender:

(b.) The word "commissioner" shall mean the railway commissioner for Manitoba.

(c.) The expression "engineer" means any engineer or person permanently or temporarily employed by the commissioner to perform such work as is ordinarily performed by a civil engineer;

(d.) The expression "arbitrators" means arbitrators mentioned in "The Railway Act of Manitoba" or appointed under the provisions of this Act;

(e.) The expression "toll" includes any rate or charge or other payment payable for any passenger, animal, carriage, goods, merchandise, matter or thing conveyed on the railway;

(f.) The expression "goods" includes things of every kind that may be conveyed upon the railway or upon any other conveyances connected therewith;

(g.) The expression "county" includes any county or union of counties.

(h.) The expression "highway" means any public road, street, lane or other public way or avenue of communication;

(i.) The expression "railway" means the railway authorized to be constructed under this Act or any public work, building or premises to be constructed, used or occupied in connection therewith;

(j.) The expression "constable" means a railway constable appointed under this Act or under "The Railway Act" of Canada.

(k.) The expression "department" means the Department of the railway commissioner for Manitoba;

(l.) The expression "superintendent" means the superintendent of the railway to be constructed under this Act, of which he has, under the commissioner, the charge and direction;

(m.) The expression "land" includes all granted or ungranted, public or private lands, and all real property, messuages, lands, tenements and hereditaments of any tenure, and all real rights, easements, servitudes and damages, and all other things for which compensation is to be paid under this Act;

(n.) The expression "lease" includes any agreement for a lease;

(o.) The word "registrar" shall mean and include the Registrar General or any registrar of deeds in this Province, and the expression "registry office," shall mean and include the land titles office where the property affected is subject to the Real Property Act, 1885.

3. Whenever the powers herein given to the commissioner are exercised by the superintendent or by any other person or officer, employee or servant of the department thereunto specially authorized by the commissioner, the same shall be presumed to be exercised by the authority of the commissioner, unless the contrary is made to appear.

4. The said railway shall be a public work belonging to the Province of Manitoba, and shall be of the same gauge and of the same standard as the Canadian Pacific Railway.

5. The construction of the railway and its management shall be under the charge of the railway commissioner for Manitoba.

6. The Lieutenant-Governor in Council shall appoint a chief engineer to hold office during pleasure, who shall, under the instructions of the commissioner, have general superintendence of the works to be constructed under this Act.

7. The Lieutenant Governor in Council may appoint a superintendent, and may employ such other engineers, and such surveyors and other officers, agents, servants and workmen as may be necessary for the proper construction and operation and the performance of the powers and duties under the provisions of this Act.

#### POWERS.

8. The commissioner shall have full power and authority by himself, his engineers, superintendents, agents, workmen and employees:—

(1.) To explore and survey the country through which it is proposed to construct the said railway;

(2.) To enter into and upon any public lands or the lands of any corporation or person whatsoever for that purpose;

(3.) To make surveys, examinations or other arrangements on such lands necessary for fixing the site of the railway and set out and ascertain such parts of the lands as are necessary and proper for the railway;

(4.) To fell or remove any trees standing in any woods, lands or forests where the railway is to pass, to the distance of six rods on either side thereof;

(5.) To make or construct in, upon, across, under or over any land, streets, hills, valleys, roads, railways or tramroads, canals, rivers, brooks, streams, lakes or other waters, except navigable waters such temporary or permanent inclined planes, embankments, cuttings, aqueducts, bridges, roads, sidings, ways, passages, conduits, drains, piers, arches, or other works as he thinks proper;

(6.) To enter upon and take possession of any land, real property, streams, waters and watercourses, except navigable waters, the appropriation of which is, in his judgment, necessary for the use, construction, maintenance or repair of the railway, or for obtaining better access thereto;

(7.) To enter with workmen, carts, carriages and horses upon any land, and deposit thereon soil, earth, gravel, trees, bushes, logs, poles, brushwood or other material found on the land required for the railway, or for the purpose of digging up, quarrying and carrying away earth, stones, gravel or other material, and cutting down and carrying away trees, bushes, logs, poles and brushwood therefrom, for the making, constructing, maintaining or repairing the railway; and the commissioner may make and use all such temporary roads to and from such timber, stones, clay, gravel sand or gravel pits as are required by him for the convenient passing, to and



from the works during their construction and repair, and may enter upon any land for the purpose of making proper drains to carry off the water from the railway, or for keeping such drains in repair;

(8.) To make conduits or drains into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;

(9.) To connect, cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purpose of such connection and in the event of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by arbitration in the usual manner.

(10.) To construct, maintain and work the railway across, along, or upon any stream of water, watercourse, except navigable waters, canal, highway or railway which it intersects or touches; but the stream, watercourse, highway, canal or railway, so intersected or touched shall be restored to its former state, or to such state as not to impair its usefulness;

(11.) To make, complete, alter and keep in repair the railway, with one or more sets of rails or tracks, to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them;

(12.) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and, from time to time, alter, repair or enlarge the same, and purchase or acquire stationary or locomotive engines and carriages, waggons, floats and other machinery necessary for the accommodation and use of the passengers, freight or business of the railway;

(13.) To take, transport, carry and convey persons and goods on the railway, and construct, make and do all other matters and things necessary and convenient for taking, extending and using the railway.

(14.) To contract and agree with all persons, guardians, curators and trustees whatsoever, not only for themselves, their heirs, successors and assigns, but also for and on the behalf of those whom they represent, whether infants, absentees, lunatics, married women or other persons otherwise incapable of contracting for the purchase of any land or other property necessary for the construction, maintenance and use of the railway and any public work connected therewith, at such prices as are agreed upon; and also contract and agree with all such persons as to the amount of compensation to be paid for any damages sustained by them by reason of anything done under and by authority of this Act or of any other Act respecting railways;

(15.) To enter into an agreement with any railway company, respecting running arrangements on said railway, or for leasing the railway, or any part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders, plant, rolling stock or other property, or either, or both, or any part thereof, or touching any service to be rendered by the company to the commissioner, and the compensation therefor, and every such agreement shall be valid and binding and shall be enforced by courts of law according to the terms and tenor thereof, and any company accepting such lease shall be and is hereby empowered to exercise all the rights and privileges conferred upon the commissioner by law: Provided always that such arrangements or agreement shall be subject to the approval of the Lieutenant Governor in Council before it can take effect, and in approving thereof the Lieutenant Governor in Council shall regulate the tolls and rates of freight chargeable by any railway company with whom such arrangement or agreement may be made; and provided further, that no such agreement or arrangement shall be made whereby exclusive rights of any kind can be obtained by any such company.

9. Whenever it is necessary in the building, maintaining or repairing of the railway to take down or remove any wall or fence of any owner or occupier of land or premises adjoining the railway, or to construct any back ditches or drains for carrying off water, such wall or fence shall be replaced as soon as the necessity which caused its taking down or removal has ceased, and after the same has been so replaced, or when such drain or back ditch is completed, the owner or occupier of such land or

premises shall maintain such walls or fences, drains or back ditches to the same extent as such owner or occupier might be by law required to do if such walls or fences had never been so taken down or removed, or such drains or back ditches had always existed.

10. The commissioner may, by and with the authority of the Lieutenant-Governor in Council, for the purpose of connecting any city, town, village, manufactory or manufactories, mill or mills, or quarry, or quarries of stone or slate, or any well or spring, with the main line of the railway or with any branch thereof, or for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mill, quarry, well or spring, build, make and construct, and work and use, sidings or branch lines of railway not exceeding, in any one case, six miles in length.

11. No train shall be allowed to pass over any canal or over any navigable channel of any river without such proper flooring being first, under and on both sides of the railway track over such canal or channel, as shall be deemed by the commissioner sufficient to prevent anything falling from the railway into such canal or river or upon the boats or vessels, craft or persons navigating such canal or river.

12. Land taken for the use of Her Majesty shall be laid off by metes and bounds; and when no proper deed or conveyance thereof to Her Majesty is made and executed by the person having the power to make such deed or conveyance, or when, for any other reason the commissioner deems it advisable so to do, a plan and description of such land, signed by the commissioner, or by the superintendent, or by an engineer of the department, or by a land surveyor duly licensed and sworn in and for the Province, shall be deposited of record in the office of the registrar of deeds for the registration division in which the land is situate, and such land, by such deposit, shall thereupon become and remain vested in Her Majesty.

13. In case of any omission, misstatement or erroneous description in such plan or description, a corrected plan and description may be deposited with like effect.

14. Such plan and description may be deposited at any time, either before entry upon the land or within twelve months thereafter.

15. In all cases, when any such plan and description, purporting to be signed by the commissioner, or by the superintendent, or by an engineer of the department, or by a land surveyor duly licensed as aforesaid, is deposited of record as aforesaid, the same shall be deemed and taken to have been deposited by the direction and authority of the commissioner, and as indicating that in his judgment the land therein described is necessary for the purposes of the railway; and the said plan and description shall not be called in question except by the commissioner or by some person acting for him, or for the Crown.

16. A copy of any such plan and description, certified by the registrar, or his deputy, to be a true copy thereof, shall, without proof of the official character or handwriting of such registrar or deputy, be deemed and taken in all courts as *prima facie* evidence of the original, and of the depositing thereof:

(1.) A copy of any such plan and description, so certified by the registrar, or by his deputy, shall be *prima facie* evidence of the original and of the depositing thereof, although such registrar or deputy, at the time the same is so offered in evidence, is dead, or has resigned, or has been removed from office.

17. Every contract or agreement made by any person authorized by this Act to convey land, and made before the deposit of the plans and description and before the setting out and ascertaining of the land required for the public work and duly registered, shall be binding at the price agreed upon for the same land, if it is afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land has, in the meantime, become the property of a third person; and possession of the land may be taken, and the agreement and price may be dealt with as if such price had been fixed by an award of arbitrators, as hereinafter provided; and the agreement shall be in the place of an award.

18. Whenever any gravel, stone, earth, sand or water is taken as aforesaid, at a

distance from the railway, the commissioner may lay down the necessary sideways, water pipes or conduits, or tracks over or through any land intervening between the railway and the land on which such material or water is found, whatever the distance is; and all the provisions of this Act, except such as relate to the filing of plans and descriptions, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situate; and such right may be acquired for a term of years, or permanently, as the commissioner thinks proper; and the powers in this section contained may, at all times, be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the same.

19. Whenever for the purpose of procuring sufficient lands for railway stations or gravel pits, or for constructing, maintaining and using the railway, any land may be taken under the provisions of this Act, and by purchasing the whole of any lot or parcel of land, of which any part may be taken under the said provisions, the commissioner can obtain the same at a more reasonable price, or to greater advantage than by purchasing such part only as aforesaid, he may purchase, hold, use or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same is separated from the railway, and may sell and convey the same or any part thereof from time to time, as he deems expedient; but the compulsory provisions of this Act shall not apply to the taking of any portion of such lot or parcel which is not, in the opinion of the commissioner, necessary for the purposes aforesaid.

20. The commissioner may employ any person duly licensed or empowered to act as a surveyor for the Province, to make any survey, or establish any boundary, and furnish the plans and descriptions of any property acquired or to be acquired for the railway; and the boundaries of such properties may be permanently established by means of proper stone or iron monuments planted by the surveyor so employed by the commissioner, and such boundaries of such property, provided they are so established, and such monuments of iron or stone are planted, after due notice thereof has been given in writing to the proprietors of the land thereby affected, and that a *procès-verbal* or written description of such boundaries is approved and signed, in the presence of two witnesses, by such surveyor, on behalf of the commissioner, and by the other person concerned; or that in the case of the refusal of any person to approve or to sign the same, such refusal is recorded in such *procès-verbal* or description; and provided such boundary marks or monuments are planted in the presence of at least one witness, who shall sign the said *procès-verbal* or description; and provided also that it shall not be incumbent on the commissioner or those acting for him to have the boundaries established with the formalities in this section mentioned, but the same may be resorted to whenever he deems it necessary so to do.

21. All the foregoing powers are subject to the provisions of Chapter 20 of the Statutes of Canada, passed in the 39th year of Her Majesty's reign, relating to the great highways in this Province, and the provisions of the Consolidated Railway Act, 1879, relating to Provincial railways crossing navigable waters.

22. The commissioner may enter upon and take possession of any lands required for the purposes of the said railway in the manner provided in this Act, and lands so taken possession of shall become public lands of the Province and shall thereupon be vested in the Crown for the use of this Province.

23. The commissioner shall build such railway by tender and contract, after the plans and specifications therefor shall have been duly prepared, and he shall accept the tenders of such contractors as shall appear to him to be possessed of sufficient skill, experience and resources to carry on the work, or such portions thereof as they may contract for; provided always, that the commissioner shall not be obliged to accept the lowest tender in case he should deem it for the public interest not to do so; provided, also, that no contract under this section shall be concluded by the commissioner until sanctioned by the Lieutenant Governor in Council; And provided further that a sum equal to ten per cent. of the contract price, either in cash or an unconditional marked cheque, payable to the order of the commissioner, accompany the tender, the same to be deposited to the credit of the Province in the Merchants'

Bank of Canada, Winnipeg, to be repaid on completion of the contract upon the certificate of the chief engineer.

24. The contracts to be so entered into shall be guarded by such securities and contain such provisions for retaining a proportion of the contract moneys, to be held as a reserve fund, for such periods of time and on such conditions as may appear to be necessary for the protection of the public and for securing the due performance of the contract.

25. No money shall be paid to any contractor until the chief engineer shall have certified that the work, for or on account of which the same shall be claimed, shall have been duly executed, nor until such certificate has been approved of by the Commissioner.

26. The Lieutenant Governor in Council may, from time to time, appoint any person or persons to inspect the work done upon contracts entered into under the provisions of this Act, and any person or persons so appointed shall have power to inspect all contracts and to examine all accounts, estimates and works done under any such contract or contracts, and to examine into any proceedings of the Commissioner in relation thereto.

27. The Lieutenant Governor in Council shall fix the salaries and compensation to be paid to the chief engineer, the superintendent, and to all other employees and officers employed under the provisions of this Act.

28. All moneys that may be required for the purpose of this Act shall be paid by the Provincial Treasurer out of the moneys to be raised as hereinafter provided, on the requisition of the commissioner and the production of properly certified vouchers, in such a manner and at such times and in such sums as may be, from time to time, ordered by the Lieutenant Governor in Council.

29. As soon as the said railway or any portion thereof shall be completed, the Lieutenant Governor in Council shall make suitable arrangements for the working of the same.

30. For the purpose of constructing and equipping the said railway there shall be raised by loan a sum not exceeding one million dollars, bearing interest at a rate not exceeding five per centum per annum, upon the credit of the Province, and the consolidated revenue of the Province is hereby charged with the payment of the principal and interest thereof.

31. For the purpose of effecting the said loan, the Lieutenant Governor in Council may authorize debentures to issue for the amount of one million dollars, to be issued in such form as shall be settled by the Lieutenant Governor in Council, and such debentures shall be made payable within fifty years from the date thereof, and for such sums as shall be most convenient, with coupons attached for interest, payable semi-annually during the period for which such debentures shall be issued. The said debentures may be payable either in currency or in sterling, and the said debentures and the interest thereon may be made payable at any place within the Dominion of Canada or in the United Kingdom of Great Britain and Ireland.

32. Separate accounts of the moneys raised under this Act shall be kept by the Provincial Treasurer and all sums required for the carrying out of the provisions of this Act shall be paid out of such moneys and not out of any other fund except when the Lieutenant Governor in Council may authorize the advance out of the consolidated revenue of the Province of such amounts as may be necessary to expend for the purpose aforesaid, before such loan can be raised; such advances to be repaid to the consolidated revenue out of the said loans.

#### COMPENSATION FOR LAND, DAMAGES, AND THE PAYMENT THEREOF.

33. Whenever the commissioner or any person acting for him in that behalf fails to agree with any person or corporation as to the value to be paid for any lands taken or for the compensation as aforesaid, the commissioner or the person acting for him may tender the reasonable value in his estimation of the same with the notice that if the offer is not accepted the question will be submitted to arbitration, and in

case such person does not reside or such corporation has not its office on or near the property so required or used the notice of submission shall be published in the *Manitoba Gazette* and in a newspaper published in the eastern judicial district of this Province.

(1.) Every tender by the commissioner shall be deemed legally made by any written authority for the payment of such sum given under the hand of the Commissioner or the person acting for him in that behalf and notified to the person having such claim.

34. The appointment of arbitrators and all proceedings in connection with such arbitration shall be made and had according to the provisions of the Railway Act of Manitoba respecting arbitrators and their appointment and duties.

35. The arbitrators shall consider the advantage as well as the disadvantage of the railway as respects the land or real property of any person or corporation through which it passes or to which it is contiguous or as regards any claims for compensation for damages caused thereby and the arbitrators shall in assessing the value of any land or property taken, or in estimating and awarding the amount of damages, take into consideration the advantages accrued or likely to accrue to such person or his estate, as well as the injury or damages occasioned by the construction of the railway.

36. The arbitrators in estimating and awarding the amount to be paid to any claimant for injury done to any land or property and in estimating amount to be paid for lands taken shall estimate or assess the value thereof at the time when the injury complained of was occasioned and not according to the value of the adjoining lands at the time of making their award.

37. The compensation money agreed upon or awarded by the arbitrators for any land or property acquired or taken by the commissioner shall stand in the stead of such land or property; and any claim to, or incumbrance upon such land or property, shall, as respects the commissioner, be converted into a claim to such compensation money or to a proportionate amount thereof, and shall be void as respects the land or property which shall by the fact of the taking possession thereof, or the filing of the plan and description as the case may be, become and be absolutely invested in Her Majesty, subject always to the determination of the compensation to be paid and to the payment thereof when such conveyance, agreement or award has been made.

38. A notice, in such form and for such time as the court appoints, shall be inserted by the prothonotary in a newspaper published in the eastern judicial district, which shall state that Her Majesty has acquired title under this Act, and shall call upon all persons entitled to the land or to any part thereof, or representing or being the husbands of any persons so entitled or claiming to hold or represent incumbrances thereon or interests therein, to file their claims to the compensation money or any part thereof, and all such claims shall be received and adjudged upon by the court and the said proceedings shall for ever bar all claims to the compensation money or any part thereof, including any claim in respect of all mortgages or incumbrances upon the same, and the court shall make such order for the distribution, payment or investment of the compensation money and for the security of the rights of all persons interested.

39. The costs of the proceedings or any part thereof shall be paid by the commissioner or any other person, as the court orders, and if the order of distribution is obtained in less than six months from the payment of the compensation money into the court or to the prothonotary the court shall direct a proportionate part of the interest to be returned to the provincial treasurer, and if from any error, fault or neglect of the commissioner it is not obtained until after six months have expired the court shall order the commissioner to pay into the court or to the prothonotary the interest for such further period as is right.

40. If the price or compensation money agreed for or awarded does not exceed one hundred dollars it may be paid to the person who, under this Act, can lawfully convey the lands or property, or agree for the compensation to be made in the case-

with the same effect as if it had been paid into court under this Act, saving always the rights of any other person to such compensation money as against the person receiving the same.

41. If any person entitled to any compensation as aforesaid is dissatisfied with the amount so paid by the commissioner into the court or to the prothonotary of the court as aforesaid, the question of the amount of compensation may be referred to arbitrators, and the commissioner may pay any amount of any awards thereon to the prothonotary of the court as the case may be, and the court shall make such order as to the same as if it had been paid in as compensation, as hereinbefore mentioned.

42. The compensation agreed upon between the parties or appraised and awarded shall be paid for such land, real property, streams, water and watercourses, timber, stone or other material to the owner or occupiers of such land or property, or to the persons suffering such damage as aforesaid, or into court as aforesaid, within six months after the amount of such compensation has been agreed on, appraised, or awarded.

43. If the party conveying such lands or property could not without this Act have conveyed the same or agreed to the compensation to be paid therefor, or any owner or party to whom the compensation money or any part thereof is payable, refuses to execute the proper conveyance or other instrument or the requisite instrument of transfer of the premises, or if the party entitled to claim the same cannot be found or is unknown to the commissioner, or if the commissioner has reason to fear any claim or incumbrance, or if for any other reason he deems it advisable, he may pay such compensation money or award, or if there has been no compensation money agreed upon, or award, such sum as might be in his opinion sufficient compensation for such lands or property into the office of the prothonotary of the Court of Queen's Bench, with interest thereon for six months, and deliver to the prothonotary a copy of the conveyance or of the agreement or award, or a certified copy of the plan or description.

#### POWERS OF ARBITRATORS, &c.

44. The provisions of the Railway Act of Manitoba relating to the powers and duties of arbitrators, and the proceedings by and before them shall apply to arbitrators appointed, and the proceedings by or before them under the provisions of this Act:

(1). The award of such arbitrators shall be of the same effect and be subject to appeal as provided in the said The Railway Act of Manitoba.

#### HIGHWAYS, BRIDGES AND FENCES.

45. The provisions of The Railway Act of Manitoba relating to highways, bridges and fences shall be applicable to the railway to be constructed under the provisions of this Act.

#### CATTLE CLAIMS.

46. If the cattle of any person, being at large are killed or injured by any train at a point of intersection, he shall not have any action or be entitled to compensation in respect of the same, unless the same are killed or injured through the negligence or wilfulness of some officer, or employee or servant of the department. The road shall be fenced on both sides sufficiently to keep cattle and horses off the line.

47. At every road and farm crossing on the grade of the railway, the crossing shall be sufficiently fenced on both sides so as to allow of the safe passage of trains.

48. Neither the department nor any officer, employee or servant thereof (except where the killing or injuring is negligent or wilful) shall be liable for any damage which may be done by any train or engine to cattle, horse or other animals on the railway:

1. Where they gain access to the railway from property other than that of the owner, or in which the owner has a right of pasturage;
2. Where they gain access to the railway through a gate of a farm or private crossing, the fastenings of which are in good order, unless such gate is left open by an employee of the department;
3. Where they gain access to the railway through or over a fence constructed in accordance with section forty-six.

#### WORKING THE RAILWAY.

49. There shall be provided and used in and upon trains run for the conveyance of passengers such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam engine or otherwise at the will of the engine-driver or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages.
50. Every locomotive or railway engine, or train of cars, shall, before it crosses the track of any other railway on a level, be stopped for at least the space of one minute.
51. In all cases where a railway passes over any draw or swing bridge over a navigable river, canal or stream, which is subject to be open for the purposes of navigation, the trains shall in every case be stopped at least two minutes before crossing to ascertain from the bridge attendant that the said bridge is closed and in perfect order for passing.
52. An officer shall be stationed at each point on the line crossed on a level by any other railway, and no trains shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear.
53. No locomotive or railway engine shall pass through any portion of any city, town or village at a speed greater than six miles per hour, unless the track is properly fenced.
54. Whenever any train of cars is moving reversely in any city, town or village, there shall be stationed in the last car in the train a person who shall warn parties standing on or crossing the track of such railway, of the approach of such train.
55. Every servant of the department employed in a passenger train or at a station for passengers, shall wear upon his hat or cap a badge which shall indicate his office; and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of powers of his office or to interfere with any passenger or his baggage or property.
56. The trains shall be started and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places established for receiving and discharging way passengers and goods from the trains.
57. Such passengers and goods shall be taken, transported and discharged at, from and to such places, on the due payment of the toll, freight or fare legally authorized therefor.
58. The department shall not be relieved from liability by any notice, condition or declaration, in case of any damage arising from any negligence, omission or default of any officer, employee or servant of the department; nor shall any officer, employee or servant be relieved from liability by any notice, condition or declaration, if the damage arise from his negligence or omission.
59. The baggage, freight, merchandise or lumber cars shall not be placed in

rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train, shall be subject to the provisions of any railway Act of the Dominion of Canada which declares such conduct a misdemeanor, and shall be punishable accordingly.

60. The department shall have a lien on all goods transported over the railway, for the freight and charges thereon, as well as for any balance which may be previously due for freight or otherwise by the owner or consignee; and the said goods shall be liable to be sold by public auction for the payment of the charges thereon and other balance which may be due; and if the owner or owners, or his or their agent, do not within ten days after the arrival of the goods at the place of destination, pay the freight and other charges due thereon, or payable in respect thereof, and take possession of and remove such articles from the railway premises, the superintendent may sell or cause the same to be sold at public auction—after giving ten days' public notice of such sale by advertisement in a local newspaper inserted at least twice—to defray the railway claims and all expenses incurred thereon, and in the meantime the said goods shall be at the risk of the owners thereof: provided always, that goods of a fragile or perishable nature, animals and goods which might become of less value or deteriorate may be sold under any order, rule or regulation in respect thereto made by the Lieutenant Governor in Council, notwithstanding the provisions of this section.

61. Every locomotive engine shall be furnished with a bell of at least thirty pounds' weight and with a steam whistle.

62. The bell shall be rung, or the whistle sounded, at the distance of at least eighty rods from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway; and the department shall be liable for all damages sustained by any person by reason of any neglect thereof; and one-half of such damages shall be chargeable to and be deducted from any salary due to the engineer having charge of such engine, and neglecting to sound the whistle or ring the bell as aforesaid, or shall be collected from such engineer.

63. Passengers are required to produce and deliver up their railway tickets to the conductor or other person in charge of the train, whenever requested so to do by such officer. Should they refuse to do this, or to pay the proper fare, they may be removed from the train,—the train being first stopped and no unnecessary force being used; Provided always that the place of removal is not more than half a mile distant from a station or not more than half a mile distant from dwelling-house in sight of the place of removal and accessible therefrom.

64. Any person injured while on the platform of a car, any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of such passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time.

65. No passenger shall be entitled to carry or to require any officer, employee or servant of the department to carry upon the railway, aquafortis, oil of vitriol, gunpowder, dynamite, nitro-glycerine, or any other goods which might be of a dangerous nature, and if any person sends by the railway any such goods without, at the time of sending such goods, distinctly marking their nature on the outside of the package containing the same and otherwise giving notice in writing to the station master or other servant of the department with whom the same are left, he shall forfeit to the Crown the sum of five hundred dollars for every such offence.

66. Any officer, employee or servant of the department may refuse to take any package or parcel which he suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact, and it shall not be lawful to carry any such goods of a dangerous nature except in cars specially designed for that purpose, on each side of each of which shall be plainly marked in large letters the words "dangerous explosives."

67. All thistles and other noxious weeds growing on the cleared land or ground



adjoining the railway, and belonging to the railway, shall be cut down and kept constantly cut down or rooted out of the same.

#### TOLLS.

68. The Lieutenant Governor may, by Order in Council to be issued and published as hereinafter provided, impose and authorize the collection of tolls and dues by the said railway, and from time to time in like manner alter and change the said tolls and dues and declare such exemptions from time to time, and all such tolls and dues shall be payable in advance if so demanded by the collector thereof.

69. All such tolls and dues may be recovered with costs in any court having civil jurisdiction upon the suit of the collector or person appointed to receive the same in his own name or in the name of the railway commissioner for Manitoba.

70. All tolls, dues or other revenues imposed or collected from the said railway shall be paid by the persons receiving the same to the treasurer of the Province in such manner and at such intervals as may be appointed by the railway commissioner, but the said intervals shall in no case exceed one month.

#### RULES AND REGULATIONS.

71. The Lieutenant Governor in Council may, from time to time, make such rules and regulations as may be deemed necessary for the management, proper use and protection of said railway, station house, yards and other property in connection therewith, and for ascertaining and collecting tolls, dues and revenues thereon, and to be observed by conductors, engine drivers and other officers and servants of the department and by all companies and persons using the said railway and relating to the construction of the carriages or other vehicles to be used in the trains on such railway.

72. The Lieutenant Governor in Council may, by such regulations, impose fines not exceeding in any one case four hundred dollars for any violation of any such rules or regulations as he may deem necessary for ensuring the observance of the same and the payment of the tolls and dues to be imposed as aforesaid, and may also by such regulations provide for the detention and seizure, at the risk of the owner, of any carriage, animal, timber or goods on which tolls or dues have accrued and have not been paid, or in respect of which any such rules or regulations have been violated or any injury has been done to the said railway, and not paid for, or for on account of which any fine has been and remains unpaid, and may provide for the sale thereof if such tolls, dues, damages or fine are not paid by the time fixed for the purpose and for the payment of such tolls, dues, damages or fine out of the proceeds of such sale—the surplus, if any, to be returned to the owner or his agent—and for the retention out of the salary of any officer, employee or servant of the department of the amount of any forfeiture incurred by him for violation of any such rules or regulations, but no such provision shall impair the right of the commissioner to recover such tolls, dues, fines or damages in the ordinary course of law, and any such tolls, dues, fines or damages may always be recovered under the foregoing provisions of this Act, and such rules and regulations shall be taken and read as part of this Act.

73. All proclamations, rules, regulations and Orders in Council made under the provisions of this Act shall be published in the *Manitoba Gazette*, and a copy of the *Manitoba Gazette* or of any volume, book or pamphlet purporting to have been printed by the Queen's Printer, and containing this Act or the Manitoba Railway Act or any extracts therefrom, any Order or Orders in Council, or rules, regulations or orders made as aforesaid, shall be *prima facie* evidence of such Acts or extracts from such Acts and of such rules, regulations and orders.

#### PROTECTION OF OFFICERS.

74. No action shall be brought against the railway commissioner or any officer, employee or servant of his department, for anything done by virtue of his office, ser-

vice or employment, unless within three months after the act committed, and upon one month's previous notice thereof in writing, and the action shall be tried in the county court division or judicial district where the cause of action arose.

#### RAILWAY CONSTABLES.

75. The Lieutenant-Governor-in-Council may appoint fit and proper persons to act as constables on and along such railway, and every person so appointed shall take the oath of allegiance and oath of office in the following form, that is to say:—

I, \_\_\_\_\_, having been appointed a constable to act upon and on the \_\_\_\_\_ Railway, make oath and say that I will to the best of my power cause the peace to be kept, prevent all offences against the peace, and faithfully discharge my duty as such constable while I continue to hold office to the best of my skill, ability and knowledge, and according to law. So help me God.

(1.) Such oath or declaration may be administered by any Judge of the Queen's Bench or County Court or by any Justice of the Peace or by the Railway Commissioner of the Province, and every constable so appointed and who has taken such oath or made such declaration may act as a constable for the preservation of the peace and for the security of persons or property on such railway or any works belonging thereto, and on or about any trains, roads, wharves, quays, landing-places, warehouses and lands and premises thereof in any place through which such railway passes or in which the same terminates, and in all places not more than one quarter of a mile distant from said railway or any of its branches, and shall have all the powers properly belonging to any constable or peace-officer under any law or statute in force in this Province.

(2.) The Lieutenant-Governor-in-Council, the Railway Commissioner for Manitoba, or the Superintendent for the said railway appointed under this Act, may dismiss any such constable, and upon every such dismissal all powers, protections or privileges belonging to any such person by reason of such appointment shall wholly cease, and any person so dismissed shall not act as a constable along the line of such railway without the consent of the authority by which he was dismissed.

(3.) The Railway Commissioner shall within one week after the date of the appointment of any constable, cause to be recorded in the office of the Clerk of each Municipality through which the railway passes, the name of every such constable, and the date of his appointment, and upon the dismissal of any such constable, the date of such dismissal and the authority making the same, and such clerk shall keep a record of such appointments and dismissals in a book to be kept in his office and shall be open to public inspection free of charge.

76. Every such constable who is guilty of neglect or breach of duty in his office of constable shall be liable to summary conviction thereof before a Justice of the Peace having jurisdiction in any municipality through which the said railway passes, to a penalty of not more than fifty dollars which may be deducted from any salary due to such offender, or levied by distress, if not paid forthwith upon conviction, or in default of payment or sufficient distress, to imprisonment in the common gaol of the district in which he may be convicted for a period not exceeding two months.

#### GENERAL PROVISIONS.

77. The Lieutenant-Governor-in-Council may at any time cause a line or lines of electric telegraph or telephone to be constructed along the line of railway, to be used in connection with the said railway and the working thereof, and for that purpose may enter upon and occupy such lands as may be necessary, and the said electric telegraph and the apparatus and the operators shall be under the control and management of the Railway Commissioner for Manitoba.

78. The said railway and all lines of telegraph or telephone in connection therewith shall be subject to any Acts of this Legislature or of the Parliament of Canada

relating to the carriage of Her Majesty's mail or Her Majesty's naval or military forces or militia.

79. All lands, streams, water-courses or property acquired for the use of the said railway shall be vested in Her Majesty, and the same or any portion thereof that are not required for the purposes of the said railway may be sold or leased by the Commissioner, and the proceeds of all such sales and leases shall be accounted for as public money.

80. No deeds, contracts, documents or writings shall be deemed to be binding upon the Department unless signed or signed and sealed by the Commissioner, or unless signed or signed and sealed by some person specially authorized by him in writing for that purpose; provided always, that the granting or existence of such authority from the Commissioner to any person professing to act for him, shall not be called in question except by the commissioner, or by some person acting for him or for the Crown.

81. All deeds and conveyances of land to the commissioner for the purposes of this Act, in so far as circumstances will admit, may be in the form of Schedule "A" to this Act subjoined or in any other form to the like effect, and, for the purpose of the due registration of the same, all registrars in their respective divisions and the Registrar-General, under the provisions of the Real Property Act of 1885, and amendments thereto, are required to register such deeds and conveyances upon production thereof with an affidavit of the due execution thereof, and the registrars shall receive on any deed set forth in the form of the said Schedule "A" for the registration thereof and for a certificate of the same, one dollar and no more, and such registration shall be deemed to be valid in law, any statute or provision of law to the contrary notwithstanding.

82. The Commissioner or any officer of the Department whose duty it is to investigate or pay, or certify for payment any claim, may require any account sent in by any contractor or any person in the employ of the Department, or any claim for damages, to be attested on oath, which oath, as well as that to be taken by any witness, the Commissioner, his deputy or such officer may administer.

83. The Commissioner may send for and examine, on oath, all such persons as he deems necessary, touching any matter upon which his action is required, and may cause such persons to bring with them such papers, plans, books, documents and things that it may be necessary to examine with reference to such matter, and may pay such person a reasonable compensation for their time and disbursements; and such persons shall attend to the summons of the Commissioner after due notice, under the penalty of twenty dollars in each case.

84. The Commissioner, or any person acting for him, in investigating or making enquiry into any accident upon the railway, or relating to the management of the railway, may examine witnesses under oath; and for that purpose shall have full power to administer such oath.

85. The Commissioner shall make and submit to the Lieutenant-Governor an annual report of the said railway to be laid before the Legislature within two weeks from the commencement of each session, showing the state of such railway, the amounts received and expended in respect thereof, and state any further information as may be requisite.

86. The Commissioner, in all cases, or when any public work, under his control, is being carried out by contract, shall take all reasonable care that good and sufficient security be given to and in the name of Her Majesty for the due performance of the work, within the amount and time specified for its completion; and also, in all cases where it seems to the Commissioner not to be expedient to let such work to the lowest bidder, it shall be his duty to report the same, and obtain the authority of the Lieutenant-Governor previous to passing by such lowest tender; but no sum of money shall be paid to the contractor on any contract, nor shall any work be commenced until the contract has been signed by all the parties therein named, and until the requisite security shall have been given.

87. Moneys due or payable by the Crown to any person, or out of which any payment by the Department is to be made on account of the provisions of this Act,

shall be subject to garnishee process as in ordinary cases, and such garnishee process shall be served upon the Auditor of the Province or his assistant in his office.

88. All actions, suits and other proceedings at law or in equity, for the enforcement of any contract, agreement or obligation in respect of any railway, building or property under the control of the Department, or in respect of the construction, maintenance, working or repair of the same, may be instituted in the name of Her Majesty's Attorney-General for Manitoba.

89. All claims for indemnity for any damage or injury sustained by reason of the railway shall be made within six months next after the time of such supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards.

90. All fines and penalties imposed by this Act or in virtue of any order, rule or regulation made under the provisions of this Act, and for the recovery of which provision has not herein or in the said order, rule or regulation been specially made may be recovered upon information before any Police Magistrate having local jurisdiction, and where no special provision is made as to the application of such penalty one moiety shall belong to Her Majesty for the uses of the Province and the other moiety to the informer, unless he be an officer or servant or person in the employ of the Department of the Railway Commissioner, in which case he shall be a competent witness and the whole penalty shall belong to Her Majesty for the uses of the Province. The Summary Convictions Act of the Dominion of Canada shall apply to proceedings for the recovery of penalties under this Act.

91. The provisions of the "Railway Act of Manitoba" shall be incorporated with and shall be deemed to be part of this Act, and shall apply to the said railway to be constructed under this Act, except in so far as the same may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood in such cases to include the clauses of the said Railway Act.

92. This Act shall come into force on the day it is assented to.

#### SCHEDULE "A."

Know all men by these presents that I (or we)

in consideration of

dollars, to me (or as the case may be) by the Railway Commissioner for Manitoba now paid, the receipt whereof is hereby acknowledged, do grant and surrender all that certain parcel of land situate (describe the land) the same having been selected by the Commissioner for the purposes of railway, to hold with the appurtenances thereof unto Her Majesty the Queen, Her successors and assigns.

As witness my hand and seal (or our hands and seals),

this

day of

A. D. one thousand eight hundred and

Signed, sealed and delivered  
in presence of

[SEAL]

I, Charles Aldborough Sadlier, Esquire, Clerk of the Legislative Assembly and Custodian of the Statutes of the Province of Manitoba, certify the subjoined to be a true copy of the original enactment passed by the Legislative Assembly of Manitoba, in the First Session of the Sixth Legislature, held in the fiftieth year of Her Majesty's reign, and assented to, in the Queen's name, by His Honor the Lieutenant Governor on Wednesday, the 1st day of June, A. D. 1887.

Given under my hand and the seal of the Legislative Assembly of Manitoba, at Winnipeg, this tenth day of October, in the year of our Lord one thousand eight hundred and eighty-seven.

[L. S.]

C. A. SADLIER, *Clerk of the Legislative Assembly of Manitoba.*

*CERTIFIED COPY of a report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 4th January, 1883.*

The Committee of the Privy Council have had under consideration a despatch dated 12th October, 1882, from the Lieutenant Governor of the Province of Manitoba, transmitting a memorial to Her Most Excellent Majesty in Council, on the subject of the disallowance by the Government of Canada of certain Acts of the Provincial Legislature, authorizing the construction of a railway connecting the city of Winnipeg with the United States system of railways at the international boundary line, with the request that the same may be forwarded to the Secretary of State for the Colonies.

The Sub-Committee of Council, to whom the subject was referred by Your Excellency in Council, submit the accompanying observations on the said memorial.

The Committee of the Privy Council, concurring in the report herewith, advise that your Excellency be moved to forward a copy hereof to the Right Honorable the Secretary of State for the Colonies at the same time as your Excellency is pleased to forward the memorial of the Executive Council of the Province of Manitoba.

All which is respectfully submitted for your Excellency's approval.

JOHN J. MCGEE, *Clerk, Privy Council.*

The Sub-Committee, to whom was referred the petition of the Government of Manitoba to the Queen's Most Excellent Majesty in Council, on the subject of the disallowance by the Government of Canada of certain Acts of the Provincial Legislature, authorizing the construction of a railway connecting the city of Winnipeg with the United States system of railways at the international boundary line, submit the following observations on the subject of the said petition:—

Upon that part of the petition which recites the conditions under which the Province of Manitoba became a Province of the Dominion, it is not necessary to offer any remarks. The sub-committee submit that Manitoba occupies in the confederacy precisely the same position in respect of its legislative powers as other Provinces of the Dominion, those powers being determined by the ninety-second section of the British North America Act. It is sufficient, therefore, to refer to the general argument of the petition upon which it is sought to justify the complaint that the policy of the Government of Canada, in disallowing railway charters, is, in the first place, an act of bad faith, and, in the second, is calculated to impede the prosperity of the Province.

The speeches, extracts from which are given in the petition of the Government of Manitoba, delivered in Parliament when the contract for the construction of the Canadian Pacific Railway was under discussion, do not bear the significance that is attempted by the petitioners to be placed upon them. The country extending from the western boundary of Manitoba to the eastern boundary of British Columbia had no provincial organization, and was, with the exception of a few subjects which had by Act of the Canadian Parliament been delegated to the North-West Council, under the direct legislative control of that Parliament. It was competent, therefore, for the Parliament of Canada to embody in a contract for the construction of the railway any restrictions which might be deemed necessary, in so far as that territory was concerned. This right was subsequently recognized in the most formal manner by the Legislature of the Province of Manitoba, when, in the Act passed by that Legislature accepting and confirming the extension of the boundaries of the Province, the restrictive clause of the Canadian Pacific Railway contract was made applicable to the added territory of the Province. But the Parliament of Canada had no power then, as it has no power now, to limit or alter any right conferred upon a Province of the Dominion by the British North America Act. The legislative rights of Manitoba could not be, and were not intended to be, affected by the contract with the Canadian Pacific Railway Company; and it was to remove a misapprehension which had obtained to some extent in the public mind upon this point, that the statements

which are quoted in the petition of the Manitoba Government were made at the time the contract was under discussion.

But as the Parliament of Canada could not restrict or alter any of the powers conferred upon a Province by the British North America Act, neither could it change the terms of that Act which relate to the power of disallowance. That power remained to be exercised in the interests of Canada, whether as respects the Province of Manitoba or any other Province of the Dominion. The petitioners admit that they acquiesced in the exercise of that power while the Canadian Pacific Railway was under construction, so as not to "impede the completion and rendering permanent of the Canadian Pacific Railway, the same being a national highway." This admission of the petitioners covers, in fact, the whole ground, and reduces the question to one of opinion as to whether it would be wise, in the interests of Canada, immediately on the completion of the railway, to abandon a policy for the protection of the Canadian Pacific Railway and the interests of Canadian commerce, which it is conceded was properly pursued while the road was under construction.

Before dealing with that question the sub-committee desire to refer to another argument used by the Government of Manitoba in their petition, based upon the ninety-second section of the British North America Act, defining the legislative powers of the Parliament of Canada and the Legislatures of the several Provinces of the Dominion respectively. By sub-clause ten of that clause control is given to the Provincial Legislatures over—

"Local works and undertakings other than such as are of the following classes:—

"(a.) Lines of steam and other ships, railways, canals, telegraphs, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province;

"(b.) Lines of steamships between the Province or any British or foreign country;

"(c.) Such works as, although situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more of the Provinces."

The Sub-Committee submit that the distinction between works purely local and those of general interest, embodied in the above clause, is a very obvious one, and may be made more clear by reference to the sub-clause of the ninety-first section of the British North America Act, which confers upon the Parliament of Canada exclusive jurisdiction in all matters affecting "the regulation of trade and commerce." To say that a Provincial Legislature shall not have power to legislate in respect of railways extending into another Province or into a foreign country would be mere surplusage, for the reason that no powers can be conferred by any legislative body for the construction or working of railways beyond its own boundaries. It is clear, therefore, that the exception, in sub-clause ten of the ninety-second section of the British North America Act were designed to restrict the powers of the Legislatures to works of purely local concern, leaving to the exclusive control of the Parliament of Canada railways which, although situated technically within the boundaries of a Province, are intended to become, and being created with the express object of connecting with other railways beyond its limits, would thus become great arteries of interprovincial or international commerce.

Indeed this distinction has been expressly admitted by leading members of the Manitoba Government and Legislature. In a debate which took place in the Legislature, during the session of 1883, on the subject of railways leading towards the boundary, Mr. Norquay, then, as now, Premier of the Province, said:—

"My friend contends that we can pass legislation chartering railways to the boundary line. I contend we cannot. In the B. N. A. Act, under the head of 'Exclusive powers of Local Legislatures,' we find telegraph, steamboat and railway lines, other than those connecting one Province with another or extending beyond the boundary of the Province. But my hon. friend says that I promised to re-enact the charter of the Emerson and North-Western. Now, the avowed object of the parties seeking the incorporation of that company was to build the line between the town of Emerson

and several other towns in the Province of Manitoba. The incorporators never showed any intention of making a connection south of the boundary. He had sympathized with the people of Emerson—he believed they ought to get that charter—would assist them to get it—and would not go back on his word. But Emerson shall get its charter for the avowed object for which incorporation was sought. When interested parties say that they intend using that Bill in a manner to exceed the power which the Local Legislature could confer upon them—when this was said, those making the statements were responsible for the disallowance of that measure. The hon. member in alluding again to the Provincial Rights cry, explained that he would be the last one to curtail any powers that belonged to us as a Province; but he would also refuse to delude the people of Manitoba by clap-trap railway legislation such as clearly exceeded our powers as a Province."

Mr. Wilson, then, as now, a member of the Government, said:

"He believed that it was against the spirit of the B. N. A. Act for a Provincial Legislature to start railways which were intended to connect with foreign lines."

Mr. Leacock, a prominent member of the Legislature, said:

"He believed that the plain meaning of the Act was that the Provinces should not have the power to charter lines to connect with foreign countries. Otherwise they might be able to frustrate the plans of the Federal authorities, as, for instance, in the case of military operations."

And Mr. Attorney-General Sutherland expressed his opinion, if possible even more strongly, as follows:

"It was absurd to suppose that the Provinces were not to be allowed to charter railways connecting one Province with another, while at the same time they might charter railways to connect a Province with a foreign country."

Again, in 1886, a debate took place in the Manitoba Legislature on the subject of Provincial railway charters, and the powers of the Province in relation to them. On that occasion Mr. Harrison, now Minister of Agriculture in the Manitoba Government, thus expressed himself:

"To charter railways to run from any one point to any other in the Province was a special power of the Legislature, but it was distinctly prohibited that lines could be chartered to join roads in other Provinces, or lines beyond the confines of the Province. He would ask if it was of such immense necessity to the traffic of the Province to build a line from Emerson to Portage la Prairie? He did not think so. It was in contemplation to connect the Emerson and North-Western with roads outside the Province. In doing that they were doing what was strictly prohibited by the British North America Act. If the line was designed as an interprovincial or international road why did not the incorporators adopt the proper course open to them, and apply to the Dominion Parliament for a charter? (Hear, hear)."

During the same session of the Legislature, in March, 1886, a general debate took place on a motion of the leader of the Opposition, Mr. Greenway, "That an humble address be forwarded to His Excellency the Governor General in Council, praying that there be no interference with our rights as a Legislature in respect to railway legislation." In the course of the debate Mr. Norquay, the Premier, dealt somewhat fully with the question, as follows:

"Now, in the matter of being able to pass a charter to incorporate a company to operate within the limits of the Province of Manitoba, the authority of the Province in that respect has never been denied, as far as I know, by any individual on the floor of this House, but there has been a doubt as to whether the Legislature could charter a line to make connection with a line beyond the boundary of the Province. The House may charter to the boundary, and if, by any means, that line should make connection with others passing the Province, it is a Federal business to say whether that line shall proceed to operation or not. That has been the contention of members on the Government side of the House, and they have asserted by their legislation, time and again, the opinions which they entertained on this subject. I believe, and here re-affirm the belief that has been placed on our Statute-book, that we can charter within the old Province of Manitoba, local companies to operate a line

from one point to another within the Province, but as for the connection with other lines, that remains for the Federal Government either to allow or to disallow. \* \* I will refer to another important point. Gentlemen will come to the House with charters and insist on having those charters just as they place them before the House, and that no interference be made by the House with their particular desires in that respect, and when, after they have been informed that these Acts would be subject to disallowance, and when they have insisted on their passage as they presented them to this House, then they should not be chagrined at their consequences. It would appear that the desire of these individuals was that those Acts should be disallowed. Charters were presented to this House more for the purpose of creating excitement than for promoting any really good objects. \* \* \* The hon. gentlemen opposite affirm that the Federal Government claim a right which they do not possess. I think that the constitution plainly lays down that they do possess the power of disallowance, although that power should be guarded. \* \* \* In looking over the motions of the hon. gentlemen (Opposition) there is only one thing I would mention more and that is the reference to our rights as a Legislature. In this respect, while we are prepared to stand by our rights as a Legislature, I think that anybody who looks over the constitution will see that while we have the undoubted right to enact railway charters, and while we have the undoubted right to enact anything coming within the exclusive rights of Provincial Legislatures, the Privy Council have the right to advise His Excellency the Governor General to veto any Act that is inconsistent with the general interests of the Dominion of Canada."

Mr. Larivière, then Minister of Agriculture and now Provincial Treasurer, following Mr. Norquay, said:

"In the course of the debate I find that our friends of the Opposition make no distinction between the rights of this Province and the rights of the Dominion of Canada. I would like to ask if there is a gentleman on the other side of the House who will deny that the Dominion Government had not the right to disallow not only railway legislation, but any Act the House might choose to pass, just the same as the Privy Council in England had the right to disallow any Federal Act. Such veto power is provided in the constitution. All the Legislature can say is: We wish you not to interfere with our legislation by exercising what is your right. We hope you will not interfere with us, we know you have a right to impose your veto, but we do not wish you to do so, and hope you will see in your wisdom that it will not be done."

At the conclusion of the debate Mr. Greenway's motion was defeated by a vote of nineteen to eight, the Legislature thus endorsing the views expressed by Mr. Norquay and others. Now the railway, the disallowance of the Act authorizing which is complained of in the petition to Her Majesty from the Government of Manitoba, is admittedly intended to connect with a foreign railway, and is therefore of the class referred to in the speeches, extracts from which are quoted above, as beyond the competency of the Provincial Legislature to authorize. The fourteenth clause of the said petition recites:

"That the Province of Manitoba is separated from the markets of Eastern Canada by a distance of from 1,200 to 1,400 miles, and the Province has only two outlets, namely, one north of the chain of lakes by way of the main line of the Canadian Pacific Railway, *via* Thunder Bay, and the other south of Lakes Superior and Huron by way of branches of the Canadian Pacific Railway to Greta and Emerson and thence by the St. Paul, Minneapolis and Manitoba Railway, south and east, with which last mentioned railway the Canadian Pacific Railway is in close alliance, and consequently no relief can be expected therefrom."

So that the railway in question, if constructed, is to connect with a foreign railway with the express object of becoming an artery of international commerce, and is therefore within the evident meaning of the exception mentioned in sub-clause ten of clause ninety-two of the British North America Act.

It is quite clear, in the opinion of the Sub-Committee, that but for this international feature of the enterprise proposed to be created by an Act of the Legislature of



Manitoba, such a railway, as a mere local work, would never be thought of. The district to be traversed by the proposed line is already well served by railways, there being two lines of railway from Winnipeg southward to the International Boundary on either side of the Red River, which is navigable during the summer months, while it is well known that there is not sufficient local traffic for one railway. It is between these two lines, which on their entire length do not average more than twelve miles apart, that it is proposed, in the interests of foreign railway corporations, to build another line. The Sub-Committee venture the opinion that under similar circumstances the Imperial Parliament would not entertain an application for a charter for a third line.

Under these circumstances the Sub-Committee submit that the manifest international character of the enterprise and the absence of all pretence of reason for it as a "local work or undertaking," fully justifies its being dealt with by the Government of Canada under the authority conferred by the nineteenth clause of the British North America Act, and in the interest of the whole Dominion.

It has already been pointed out that the policy of disallowance, in respect of Acts of the Legislature of Manitoba authorizing the construction of railways touching the international boundary and there connecting with the railways of the United States, was acquiesced in by the Manitoba Government while the Canadian Pacific Railway was being built, and in order to ensure its completion as a great national highway; and that the only point of controversy, by the admission of the petitioners themselves, is as to whether the time has come for the abandonment of that policy. In order to arrive at a fair appreciation of this point, it is necessary to refer to the history of the Canadian Pacific Railway and to the efforts of the Canadian Government to secure its construction.

The building of a line of railway to connect the Pacific coast with the systems of railway in the Province of Ontario was one of the conditions of the Union of British Columbia with Canada. A contract was entered into with a company immediately after the Union, but that company was unable, although aided by most liberal subsidies in land and money, to enlist the co-operation of capitalists, and the contract was surrendered. A change of Ministry took place in 1873, and the new Administration, at the first session of Parliament after taking office, procured the passage of an Act providing still larger subsidies in money and lands to any company which would undertake the work of building this railway, and caused advertisements to be published in Great Britain and America inviting tenders under the terms of that Act. These efforts were unsuccessful, no offer having been made. In the meantime the Government proceeded with the work of construction, as a public work, with the view of obtaining access to Winnipeg and thence to the North-West from Port Arthur, on Lake Superior, in summer, and by the American system of railways in winter. But so fully was the fact recognized that in order to secure a Canadian Pacific railway the territory tributary to it must be preserved from competitive lines, that Parliament declined to grant charters for such lines; and in a Bill introduced by the Government in the session of the Canadian Parliament of 1878 to promote the construction of colonization railways in Manitoba and the North-West Territories, it was provided that no such railway should be authorized running within forty miles of the line of the Canadian Pacific Railway. It will thus be seen how general was the conviction, and how fully it was acted upon, that if private capital was to be enlisted for the building of this railway, reasonable protection against competition must be assured to that capital.

In the autumn of 1878, as the result of a general election, another change of Ministry took place. The new Administration undertook the prosecution of the work of constructing the Canadian Pacific Railway with great earnestness; and as a result of its efforts, certain gentlemen, who afterwards became incorporated as the Canadian Pacific Railway Company, made a proposal to the Government for the construction of a railway from Port Arthur, on Lake Superior, through the Rocky Mountains, to the Pacific coast. Had that proposal been accepted there would have been less necessity for providing against competition on the part of United States

railways; but it was felt that such a railway would not meet the requirements of the country; that it would leave all that portion of Canada west of Lake Superior separated for six months of the year from the thickly-settled Provinces in the east by a practically impassable barrier of over 600 miles of uninhabited country. To leave communication between the portions of Canada to the east and to the west respectively of Lake Superior dependent for one-half of the year upon the railway systems of a foreign country, with all the contingencies involved in such a dependence, would, on commercial grounds, have been folly, and on national grounds little short of madness. It was with a view of avoiding this, and of securing a transcontinental line of railway on Canadian territory, that the stipulation was included in the contract with the Canadian Pacific Railway Company that for twenty years, or in other words, for ten years after the term fixed for the completion of the railway, namely, 1891, "no line of railway shall be authorized by the Dominion Parliament to be constructed south of the Canadian Pacific Railway, from any point at or near the Canadian Pacific Railway, except such line as shall run south-west or to the westward of south-west, nor within fifteen miles of latitude 49." The object to be attained by this provision, and without which it could not be attained, namely, the construction of that section of the railway running north of Lake Superior, fully justified its inclusion in the contract; and the motive, namely, that reasonable time should be allowed for giving direction to the trade of the great west, so as to build up the commerce of the ports of eastern Canada, was, on commercial grounds, a most natural one.

It is argued that there is no binding legal obligation on the part of the Government of Canada to protect the Canadian Pacific Railway by the exercise of the power of disallowance in respect of railways chartered by the Legislature of Manitoba, and having their termini within the old boundaries of the Province. Without discussing that question, it is sufficient to repeat that the Government of Manitoba, in their petition to Her Majesty, admit that that power was properly exercised during the period of construction, in view of the terms of the contract with the Canadian Pacific Railway Company, and it may be inferred therefrom that the same acquiescence would have been yielded to it until the completion of the railway, had that completion been deferred until the period fixed in the contract, namely, 1891. The company, by a display of great energy and at a greatly increased cost to its proprietors, completed the work of construction five years before the time fixed in the contract, thus giving to Canada the advantages of a through line of railway, on its own soil, at a much earlier period than the most sanguine among the promoters of the enterprise believed to be possible. The same energy which marked the construction of the railway is being displayed in measures for the development of trade by it, from which Canada has already derived great, and in the near future must derive still greater, advantage. Under these circumstances, the undersigned submit that it would be only reasonable that the company should not be made to suffer because of the energy and increased expenditure they have contributed to give to Canada, in advance of the time stipulated in their contract, the advantages of this magnificent interoceanic highway; and that the same protection, which admittedly they were entitled to during the construction of the railway, should be extended to them at least for the period fixed in the contract for the completion of the railway, to enable them to carry on successfully the policy of traffic development which they are pursuing with so much success.

The Government of Manitoba quote, in their petition, a speech delivered by Sir Charles Tupper, then Minister of Railways, in the House of Commons in 1884, in which the belief was expressed that, by the more rapid completion of the railway, the early abandonment of the policy of disallowance might be possible. The undersigned, however, submit that this speech cannot be interpreted as, in any sense, an arrangement or implied contract with the Province of Manitoba. At that very time this question of disallowance was the subject of communication between the Government of Manitoba and that of the Dominion. The Legislature of Manitoba had sent three of its members, Messrs. Norquay, Murray and Miller, to confer with the Gov-

ernment of Canada on certain subjects, which were embraced in a memorandum submitted by them. Among the subjects included in this memorandum was the following :—

"4. The right of the Province to charter lines of railway from any one point to another within the Province, except so far as the same has been limited by its Legislature in the Extension Act of 1881."

The Committee of Council to whom this memorandum was referred, after conference with the delegates, reported; and upon this subject, after referring generally to the provisions in the charter of the Canadian Pacific Railway Company, continued as follows :—

"Whatever the provisions of the Canadian Pacific Railway Act are, the Province of Manitoba had, in advance, assented to in accepting an extension of her boundaries, and an increase of area, about ten-fold, under an Act which provided 'that the said increased limits and territory, added to the Province of Manitoba, shall be subject to all such provisions as may have been, or shall hereafter be, enacted respecting the Canadian Pacific Railway, and the lands to be granted in aid thereof.' Having accepted the increased area upon the above conditions, and knowing the long avowed policy of Parliament to prevent the legitimate trade of the country, and the Canadian Pacific Railway, being diverted to the United States, your Sub-Committee consider that no injustice will be done to the people of Manitoba by the exercise of such supervision, by the Dominion Government, over the railway charters sought from the Dominion Parliament, or passed by the Legislature of Manitoba, as will maintain this policy, and the conditions of the Canadian Pacific Railway Act, until the expiry of the time named therein, or until the road is opened and trade established, when it is believed it may be repealed or modified without injustice, and with the consent of the contracting parties."

This statement was embodied in the Minute of Council which was forwarded to the Lieutenant Governor of Manitoba, for the information of his Government and of the Legislature of the Province. Large concessions were made to the Province as a result of the conference between the Provincial delegates and the Sub-Committee of the Privy Council, the terms of which were embodied in the same despatch; and on the 10th January, 1885, Mr. Norquay, Premier and Treasurer of the Province, in a letter on the subject of this despatch, said :—

"Although not authorized by the Legislature to accept any settlement, we are of opinion that the modifications suggested, leaving the other items of subsidy and concessions offered in the despatch of the 20th May last unchanged, would be favorably entertained by the Legislature."

They were so favorably entertained, they were accepted by the Legislature and embodied in an Act of that Legislature, and this without any protest or remonstrance in respect of that part of the despatch quoted above which relates to the protection afforded, by the exercise of the policy of disallowance, to the Canadian Pacific Railway in its efforts to develop and direct the trade of the country served by it, for the benefit of Canada. Read in the light of the despatch to the Manitoba Government of the 20th May, 1884, the speech of Sir Charles Tupper, upon which the petitioners rely to justify their appeal against the policy of the Dominion Government, showed that not only was it contemplated that the road should be completed before that policy was abandoned, but that a reasonable opportunity should be afforded for the establishment and development of trade by it.

It is most important on commercial as well as national grounds that this policy should be continued for some time longer. The Canadian Pacific Railway has already attracted a considerable trade between China and Japan and the Atlantic markets of this continent. It has attracted attention as the most valuable highway, under British control, between the eastern and western possessions of the Empire. The Imperial authorities have become so impressed with its importance that they have agreed to grant a subsidy of £45,000 sterling per annum towards the establishment of a line of steamers on the Pacific Ocean to be run in connection with the Canadian Pacific Railway. In the struggle for this Pacific trade, the railway has already be-

come a most important factor, being regarded as in some respects the most important of the trans-continental lines. Its chief competitor, the Northern Pacific Railway Company of the United States, has been making great efforts to bear up against this new competition, and it is admitted that the efforts to strike the Canadian Pacific Railway in its centre, by an extension of the Northern Pacific Railway system from the international boundary line to Winnipeg, is not with the object of affording competitive rates to the people of Manitoba, but to secure a weapon by which to control the competition for trans-continental traffic from the Pacific coast, now rapidly finding its way over the Canadian route, and thus retain it for United States railways. It would be a most suicidal policy on the part of Canada to assist a foreign railway corporation in obtaining that weapon, to be used, as it must be used, in hampering a trade from whose growth the business men of the country have so much to anticipate.

The Sub-Committee do not underestimate the importance of reasonably low rates of transportation for the Province of Manitoba and the great west; but they would point out that ample provision has been made in the contract with the Canadian Pacific Railway Company and by the action of the Government to secure this object. Under the contract the tariff of rates chargeable on merchandise and passengers is to be fixed by order of the Governor General in Council, and to remain until the earnings of the road are sufficient to pay a dividend of 10 per cent. on the share capital of the Company. But in order to afford greater protection against excessive charges, the tariff of rates has, with the concurrence of the Company, been established only from year to year, thus bringing it under the constant control of the Government. It is important to remark, under these circumstances, that no representations have ever been made to the Government of Canada that the rates, as thus approved from time to time, have been excessive, unreasonable or oppressive. Not one specific complaint has ever been laid before the Railway Committee of the Privy Council, the tribunal specially charged with such matters by law; while on the contrary the evidence furnished by the Company has shown that its rates are not only reasonable, but that they are, in the main, unusually low, as compared with those of other lines on this continent worked under similar conditions.

The policy of the Government of Canada, so far from being directed to secure for the Canadian Pacific Railway a monopoly of the carrying trade within the boundaries of Manitoba, has been most generous in aiding in the construction of independent local lines of railway. There are at this moment upwards of 200 miles of independent local railway lines in the Province, not in any way controlled by the Canadian Pacific Railway, and built by the aid of liberal grants of land made by the Dominion Government. There are in addition over 200 miles of railway south of the main line of the Canadian Pacific Railway, to which subsidies in land were granted when they were in the hands of an independent company. That company was unable to enlist private capital in the construction of its railway, and transferred it to the Canadian Pacific Railway Company, as the result of which the people of southern Manitoba have been afforded the advantages of railway communication, of which, but for the liberal policy of the Government of Canada and of the Canadian Pacific Railway Company, they would have been probably for a long time deprived. And although the Canadian Pacific Railway controls the only line leading directly to the Great Lakes and to Eastern Canada, and the two lines southward to the International Boundary, its rates on traffic to and from the Province have, in the nature of things, always been largely affected, and must continue to be largely affected, by the competition of the United States railways.

The Sub-Committee submit that the statement in the petition that the policy of the Dominion Government in preventing the construction of railways to connect with the United States railway system at the International Boundary is calculated to deter immigrants from settling in the Province and to prevent the investment of capital therein, is not justified by the facts. Other circumstances, entirely unconnected with this question, have, to a limited extent, produced these results, chief among which is the wild speculation so general in the Province between the years 1881 and

1883, caused by the immense expenditure in the construction of the Canadian Pacific Railway among a small population, and the depression which necessarily followed the completion of the railway and the consequent cessation of expenditure. But in spite of these untoward events the progress of the Province has been, on the whole, satisfactory. All experience shows that the early years of the settlement of new territories are always the most difficult: Dakota, during ten years from 1860 to 1870, increased only about nine thousand in its population; Colorado, between five and six thousand during the same period; Montana, less than nine thousand between 1870 and 1880, and so with others of the states and territories of the United States. The overflow into the new territories is always slow at first, until the attractive influence of the early settlement brings its natural result in the advent of old friends and neighbors. The progress of Manitoba, fairly rapid as it has been, has also suffered from other causes. The agitation by the so-called Farmers' Union, which, although representing only an insignificant minority of the people, was sufficiently influential to affect the immigration into the country; the Half-breed and Indian outbreak of 1885, although the seat of disturbance was several hundred miles away from Manitoba, was used by foreign rival immigration agencies to deter immigrants from settling in the Province; and the violence of language indulged in by a portion of the people and press in connection with the controversy which forms the subject of the petition of the Manitoba Government to Her Majesty, the foolish threats of armed resistance to the law which, to those ignorant of local conditions, were apt to be mistaken for the general sentiment of the people; and the untruthful statements published by the associated press as to the intentions of the Government of Canada in relation to this controversy, have all had some influence in deterring the growth of population, which, under other circumstances, the splendid resources of the Province would have certainly attracted.

Measured by the condition of the settlers in other parts of the continent, those of Manitoba have every reason to be satisfied. Ten years ago there was not a line of railway in operation within the Province; now, as the result of the policy of the Government of Canada, largely as a result of that feature of the policy of the Government which forms the subject of complaint by the Government of Manitoba, there are over one thousand miles in operation, and two other railways are under construction. Along the line of the Canadian Pacific Railway the farmers of Manitoba and the North-West Territories have been paid higher average prices for their grain than at corresponding points along the line of the Northern Pacific Railway, a fact which must, the Sub-Committee submit, be accepted as the true test of the railway service in the two countries respectively. It is impossible that a policy which has produced these results can be properly stated as calculated to deter immigrants from settling in the Province, or to prevent the investment of capital therein. On the contrary, while the policy of the Government has been to afford the fullest development to the resources and industries of the Province, it has had in view to prevent the diversion of a large part of the traffic of the Province to a foreign country, by which the forces which have been most effective in building up the different industries of the Province and bringing settlers to it, would be seriously impaired.

The Sub-Committee deem it right, before concluding these remarks upon the petition of the Government of Manitoba to Her Majesty, to call attention to the great interest which the Canadian Pacific Railway Company has in the growth and prosperity of Manitoba and the North-West Territories. The Company are operating to-day, on their main line alone, the construction of which was the object of the contract entered into with the Canadian Government, 2,062 miles of railway, along the whole extent of which the population does not exceed two hundred and forty thousand. Between the eastern boundaries of Manitoba and the Rocky Mountains, a distance of 1,063 miles, it traverses the finest grain-producing and cattle-grazing country on the continent, and the development of its traffic and its dividend-producing power is contingent upon the growth and prosperity of these two great industries. The Company, moreover, own about sixteen millions of acres of land, in the settlement of which they have the greatest interest. It is inconceivable, under

these conditions, that a corporation which has so direct an interest in the prosperity of the country and in the settlement of a large immigration within its bounds, will adopt a policy calculated to retard that prosperity and that settlement.

The Sub-Committee, therefore, are unable to recommend that there should be an abandonment for the present of the policy of Canada, pursued by both political parties in the past, of preventing the trade of Manitoba and the great North-West from being diverted for the advantage of foreign railway corporations and foreign commerce and of protecting the great national interoceanic highway for a reasonable time to permit permanent direction to be given to the traffic of the country. Canada has made great sacrifices to secure the construction of the Canadian Pacific Railway. Upwards of seventy-one millions of dollars and over eighteen millions of acres of land have been voted by Parliament for that purpose. These generous subsidies have been voted under the conviction that the older Provinces of the Dominion would be greatly benefitted by the increased trade which would flow down upon them as the result of the development of those portions of the Dominion lying west of Lake Superior; and the unwillingness to forego these advantages, by permitting this great western trade to be diverted to United States railways for the advantage of the commerce of a foreign country, found its expression at the last Session of Parliament in the emphatic vote of the House of Commons, in which every Province is represented, and which had just come from a general election at which the question formed one of the leading subjects of discussion. That vote, the Sub-Committee submit, must be regarded not only as an endorsement of the policy of the Canadian Government in the past, but as a mandate to the Government to continue that policy in the future. Under all these circumstances the Sub-Committee believe that the wisdom and constitutional propriety of the policy pursued on this subject will be fully recognized by Her Majesty's Government, to which the Government of Manitoba in their petition appeal.

All of which is respectfully submitted.

(Signed)

THOS. WHITE, *Minister of the Interior.*

J. S. D. THOMPSON, *Minister of Justice.*



## RETURN

(65)

To an ADDRESS of the HOUSE OF COMMONS, dated the 9th April, 1888:—For copies of all papers, correspondence, Orders in Council, and Departmental Orders, not already brought down with reference to:—

1. The refusal of the United States authorities to allow Canadian wrecking vessels and machinery to assist Canadian vessels while in distress in United States waters.

2. The refusal of the Canadian authorities to allow United States wrecking vessels and machinery to assist United States vessels while in distress in Canadian waters.

By Command.

J. A. CHAPLEAU,  
*Secretary of State.*

OTTAWA, 18th April, 1888.

### CONTENTS.

CORRESPONDENCE relating to wrecked vessels in waters conterminous to Canada and the United States.

H. A. Helyar to Lord Lansdowne,	No. 17, March 1, 1886.
Lord Lansdowne to Lord Granville,	No. 60, March 6, 1886.
Sir L. West to Lord Lansdowne,	No. 47, April 24, 1886.
Sir R. Herbert to do	No. 111, April 27, 1886.
Mr. Stanhope to do	No. 222, Oct. 15, 1886.
Lord Lansdowne to Sir H. Holland,	No. 100, April 2, 1887.
Sir L. West to Lord Lansdowne,	No. 49, May 27, 1887.
Sir R. Herbert to do	No. 142, June 11, 1887.
Sir H. Holland to do	No. 178, July 1, 1887.
Sir L. West to do	No. 19, March 28, 1888.

No. 17:

*H. A. Helyar (H.M. Chargé d'Affaires) to Lord Lansdowne.*

WASHINGTON, 1st March, 1886.

MY LORD,—I have the honor to forward to Your Excellency herewith a copy of a note from the United States Government, and also of its enclosure calling attention to the question of wrecked vessels in the waters conterminous to the United States and Canada.

Mr. Bayard suggests that the adoption of the measure of reciprocity proposed by the Act of Congress of 19th June, 1878, would remedy existing evils, and promote the interests of good neighborhood and humanity, and adds that the President



is desirous that the subject may be re-submitted to the consideration of Her Majesty's Government with the hope that some understanding may be arrived at.

The statement made by Sir E. Thornton in his note to Mr. Seward of 19th August, 1878, was based on a report of the Canadian Privy Council, forwarded in Lord Dufferin's despatch No. 58, of 15th August, 1878, in which it was stated that the subject would receive consideration before the next Session of Parliament.

A subsequent Despatch of the Marquis of Lorne, No. 75, of 22nd November, 1880, which was communicated to the United States Government, bears directly on the question, for in the Privy Council's report, therein inclosed, it is stated that the Canadian Customs Department had always carried out "the principle of reciprocity in facilitating aid to disabled vessels of whatever flag," &c., &c.

I have the honor to inform Your Excellency that I have forwarded a copy of Mr. Bayard's note to Her Majesty's Government.

I have, &c.,

H. A. HELLAR, *H. M. Chargé d'Affaires*,

(In the absence of Sir L. S. S. WEST.)

His Excellency the Marquis of Lansdowne, &c., &c., &c.

*T. F. Bayard to Sir L. S. S. West.*

DEPARTMENT OF STATE, WASHINGTON, 26th February, 1886.

SIR,—On the 15th of July, 1878, Mr. F. W. Seward, Acting Secretary of State, transmitted to Sir E. Thornton a copy of an Act of Congress, approved 19th June, 1878, entitled: "An Act to aid vessels wrecked or disabled in the waters common to the United States and the Dominion of Canada."

Mr. Seward, in submitting said Act of Congress for the information of Her Britannic Majesty's Government, called attention to the fact that it could not take effect until the President should issue a proclamation declaring that reciprocal privileges would be granted to American vessels in Canadian waters, and he therefore requested that he might at as early a day as might be convenient, be placed in possession of the information necessary to enable this Government to carry the above mentioned Act into effect in accordance with its provisions.

Sir E. Thornton, in reply to Mr. Seward's note, on the 19th of August, 1878, stated that no provision had yet been made by the Government of the Dominion of Canada for extending reciprocal privileges to American vessels, but that the subject would receive consideration. Here, however, the matter appears to have rested, no formal reply having ever been made to the proposal communicated to Her Britannic Majesty's Government by Mr. Seward. Meanwhile, experience has shown that the want of the proposed reciprocal arrangement has been the source of much avoidable hardship to the interests of American commerce on the great lakes, and that American vessels and property have been subjected to great and unnecessary losses and the lives of our mariners to needless dangers.

It is thought that the adoption of the measure of reciprocity proposed by the Act of Congress of 19th June, 1878, would remedy the evils in question as well as promote the interests of good neighborhood and humanity. The President, therefore, is desirous that the subject may be re-submitted to the consideration of Her Britannic Majesty's Government with the hope that some understanding may be arrived at for the mutual benefit of the important interests concerned.

Enclosing for your use copies of the Act of Congress in question,

I have, &c.,

T. F. BAYARD.

The Hon. Sir L. S. WEST, K. C. M. G.

## [Public—No. 129.]

An Act to aid vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Canadian vessels of all descriptions may render aid or assistance to Canadian or other vessels wrecked or disabled in the waters of the United States contiguous to the Dominion of Canada: Provided, that this Act shall not take effect until proclamation by the President declaring that the privilege of aiding American or other vessels wrecked or disabled in Canadian waters contiguous to the United States has been extended by the Government of the Dominion of Canada and declaring this Act to be in force: And provided further, that this Act shall cease to be in force from and after the date of proclamation by the President to the effect that said reciprocal privilege has been withdrawn or revoked by the said Government of the Dominion of Canada.

Approved 19th June, 1878.

## No. 60.

*Lord Lansdowne to Earl Granville.*

OTTAWA, 6th March, 1886.

MY LORD,—I have the honor to forward herewith, for Your Lordship's information, a copy of a despatch which I have received from Her Majesty's Chargé d'Affaires at Washington, enclosing a copy of a note from the United States Government, dated 26th February, in which the Secretary of State draws attention to the Act of Congress of 19th June, 1878, which proposes a measure of reciprocity between the United States and Canada, having for its object the aiding of vessels wrecked or disabled in the waters conterminous to both countries. This Act of Congress has already been under the consideration of the Dominion Government without, however, any definite action having been taken with a view to an understanding with the United States authorities on the subject, and Mr. Bayard now states that the President "is desirous that the subject may be re-submitted to the consideration of Her Britannic Majesty's Government with the hope that some understanding may be arrived at for the mutual benefit of the important interests concerned."

2. I have caused a copy of Mr. Helyar's despatch and of its enclosures to be communicated to my Government for consideration.

I have, &c.,

LANSDOWNE.

Earl Granville.

## No. 47.

*Sir L. S. West to Lord Lansdowne.*

WASHINGTON, 24th April, 1886.

MY LORD,—With reference to Mr. Helyar's despatch, No. 17 of the 1st of March, I have the honor to enclose to Your Excellency herewith copy of a note which I have received from the Secretary of State expressing the hope that an early and favorable agreement may be reached in regard to aid to vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada.

I have, &c.,

L. S. SACKVILLE WEST.

His Excellency the Marquis of Lansdowne, G.C.M.G., &c., &c., &c.

*T. F. Bayard to Sir L. S. West.*

DEPARTMENT OF STATE, WASHINGTON, 22nd April, 1886.

SIR,—With reference to my note to you of the 26th of February last on the subject of aid to vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada, and to your reply of the 1st ultimo, stating that you had submitted the matter to the Dominion Government for its consideration, I have the honor to state that the representatives of the American shipping interests on the great lakes, have just made urgent representations to this Department as to the necessity of arriving at an understanding in relation to the matter as soon as possible, in view of the fact that the season for navigation is again opening.

Hoping that it may be found practicable to reach an early and favorable agreement in regard to this important subject,

I have, &c.,

T. F. BAYARD.

The Hon. Sir L. S. WEST, K.C.M.G., &c., &c. &c.

No. 111.

*Robert G. W. Herbert to Lord Lansdowne.*

DOWNING STREET, 27th April, 1886.

MY LORD,—I have the honor to acknowledge the receipt of your despatch, No. 60, of the 6th ulto., respecting wrecked vessels in the waters conterminous to the United States and the Dominion of Canada.

I shall be glad to receive an early expression of the views of your Government on the subject.

I have, &c.,

ROBERT G. W. HERBERT,

for EARL GRANVILLE.

Governor General, the Most Honorable the Marquis of Lansdowne, G.C.M.G., &c.

No. 222.

*Edward Stanhope to the Officer Administering the Government of Canada.*

DOWNING STREET, 15th October, 1886.

MY LORD,—I have the honor to transmit to you a copy of a letter and of its enclosure from the Foreign Office on the subject of extending to American tugs in Canadian waters the privileges now enjoyed by Canadian tugs in United States waters.

I should be glad to be favored with the views of your Government upon this point at their early convenience.

I have, &c.,

EDWARD STANHOPE.

The Officer Administering the Government of Canada.

*The Foreign Office to the Colonial Office.*

FOREIGN OFFICE, 12th October, 1886.

SIR,—I am directed by the Earl of Iddesleigh to transmit to you, to be laid before the Secretary of State for the Colonies, copy of a note addressed to Her Majesty's Minister at Washington by the United States Government, enquiring

whether or not Her Majesty's Government are willing to extend reciprocally to American tugs in Canadian waters the privileges which Canadian tugs now enjoy in the waters of the United States; and I am to request that you will move Mr. Secretary Stanhope to cause His Lordship to be informed what answer should be returned to this enquiry.

I am, &c.,

JAMES FERGUSON.

The Under Secretary of State, Colonial Office.

*Mr. Bayard to Sir L. West.*

DEPARTMENT OF STATE, WASHINGTON, 24th September, 1886.

SIR,—I have the honor to state for the information of Her Britannic Majesty's Government, that, under a decision by the Treasury Department of the 17th of July, 1883, a Canadian tug which towed into the port of Oswego four Canadian barges, was allowed to detach one barge from the rest and, after the barge was laden with coal, to tow it to any point within the harbor. The Collector of Customs at Oswego was then informed by the Secretary of the Treasury, "that the penalty of 50 cents per ton of the towed vessels attached to tugs not of the United States, by section 4370 of the Revised Statutes, for plying within our waters, affects such tugs only for towing documented vessels of the United States; and that if a foreign tug drops a tow of foreign vessels and resumes the same in our waters, the penalty in question does not affect her."

The Treasury Department is informed that a different practice exists in Canada, as to the towing of vessels by American tugs whereby the latter are placed at a disadvantage as compared with Canadian tugs.

In a letter dated the 28th of July, 1886, the Assistant Commissioner of Customs at Ottawa, wrote to Messrs. J. K. Post & Co., of Oswego, New York, as follows, in reply to a statement by them that Canadian tugs were allowed to tow Canadian barges from Kingston to Oswego, Fairhaven, Sodus and Charlotte, viz.:

"We are not aware that the American Government allow any such towing on the part of Canadian tugs as stated in your letter, it never having been brought to the attention of this Department that such was permitted. If such is the case we would be very glad to have some official notice of the same."

Messrs. J. K. Post & Co., are extensive owners of steam tugs in the United States and desired permission for one of their tugs to proceed to Canadian waters towing five American canal barges, two of which were to be dropped at Belleville in Canada, two at Kingston and one at Picton. Permission was refused by the Canadian Customs authorities.

The foregoing circumstance makes it proper for me to officially bring to the notice of Her Britannic Majesty's Government the fact that American Collectors of Customs are accustomed to grant to foreign tugs when towing foreign vessels in our waters the privilege of going to and from the different ports in this country and from one point to another in the harbors, provided the tugs originally towed said vessels into United States waters.

It is alleged that under the rulings of the Canadian authorities an American tug must cross the lakes several times to accomplish in Canadian waters what a Canadian tug can do in our waters in a single trip.

A case in point has been reported to the Treasury Department by Joseph Richards, master of the steam tug, "Wm. Rector," who states that in June last he requested permission of the collector of the port of Toronto to remove a vessel of his tow from one dock to another to complete her cargo, but was refused the privilege.

In bringing this subject urgently to your attention, I beg to request you to do me the favor to inform me as soon as practicable as to whether or not Her Britannic

Majesty's Government is willing to extend, reciprocally, to American tugs in Canadian waters the privileges which Canadian tugs now enjoy in the waters of the United States.

I have, &c.,

T. F. BAYARD,

The Hon. Sir L. S. S. WEST, K.C.M.G., &c.

No. 100.

*Lord Lansdowne to Sir H. Holland.*

OTTAWA, 2nd April, 1887.

SIR,—With reference to your predecessor's despatch, No. 222, of the 15th October last, transmitting copy of a letter and of its enclosure from the Foreign Office on the subject of extending to American tugs in Canadian waters the privileges now enjoyed by Canadian tugs in United States waters, I have the honor to forward to you herewith a certified copy of an approved Report of the Privy Council for Canada on the subject.

I have, &c.,

LANSDOWNE.

Sir H. HOLLAND.

*CERTIFIED Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 31st of March, 1887.*

The Committee of the Privy Council have had under consideration a despatch (No. 222) dated 15th October, 1886, from the Right Honorable the Secretary of State for the Colonies, transmitting a copy of a letter from the Foreign Office "on the subject of extending to American tugs in Canadian waters the privileges now enjoyed by Canadian tugs in United States waters," enclosing a despatch from the Hon. T. F. Bayard, Secretary of State at Washington, of 24th September, 1886, in which it is asked "whether or not Her Britannic Majesty's Government is willing to extend reciprocally to American tugs in Canadian waters, the privileges which Canadian tugs now enjoy in the waters of the United States?"

The sub-committee, to whom the question was referred, are unable to find any evidence that Canadian tugs in United States waters have any privileges which have not been conceded to United States tugs in Canadian waters, as will be seen on reference to departmental instructions and Orders in Council hereunto attached except in the case referred to by the Hon. Mr. Bayard in his despatch of the 24th September, 1886, to Sir Lionel Sackville West, British Minister at Washington, in which he states "that the penalty of 50 cents per ton of the towed vessel attached to tugs not of the United States, by section 4,370 of the Revised Statutes, for plying within our waters, affects such tugs only for towing documented vessels of the United States, and that if a foreign tug drops a tow of foreign vessels and resumes the same in our waters, the penalty in question does not affect her."

The sub-committee state that the privilege covered by this decision has not, the inspector of Customs of Canada after investigation reports, been extended to Canadian tugs when visiting American harbors in the upper lakes of the Dominion.

The sub-committee interpreting the order above quoted as extending to all harbors in the United States situated in Lakes Ontario, Erie, Huron, and Superior, and on the rivers connecting said lakes, recommend that the regulations governing tugging in Canada be amended so as to extend to American tugs when in Canadian waters the same rights and privileges granted by the United States Government to Canadian tugs when in American waters.

The Committee concurring in the foregoing, recommend that Your Excellency be moved to transmit a copy of this Minute, if approved, to the Right Honorable the Secretary of State for the Colonies.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE, *Clerk Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Wednesday, 10th day of November, 1886.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

On the recommendation of the Minister of Customs and under the authority of the 3rd sub-section of the 230th section of the Act of the Parliament of Canada, 46 Victoria, chapter 12, known and cited as "The Customs Act, 1883,"—

His Excellency in Council has been pleased to order and it is hereby ordered, that all foreign vessels trading on the coast and entering the harbors of Canada from sea or inland waters, shall be, and they are hereby governed by the following rules :

1. Foreign vessels may transport cargo and passengers from a foreign port and land the same at two or more Canadian ports, clearing from each in succession until all of said cargo and passengers are landed.

2. Foreign vessels may take cargo and passengers from two or more Canadian ports and transport the same to a foreign port, clearing from each in succession, but taking final clearance for such foreign port at the last Canadian port which they enter on such voyage.

3. Foreign vessels shall not take freight or passengers at one Canadian port and land the same at another Canadian port, and the master or owner of any vessel found to have violated this rule shall be subject to a penalty of \$400 for each such offence, and the vessel may be detained until the same is paid.

4. Foreign vessels bringing cargo or passengers from a foreign port may, after landing the same, be permitted to clear light to another Canadian port for the purpose of loading cargo for a foreign port, and may clear from port to port to complete such cargo, taking final clearance as above.

5. Foreign vessels may tow other vessels or things from a foreign port to a Canadian port, but if they drop or part from any such vessel or thing in Canadian waters, they shall not again take such vessel or thing in tow for the purpose of moving the same further in Canadian waters.

6. Foreign vessels may tow other vessels or things from a Canadian port to a foreign port, but having parted from such vessels or things, or any of them in Canadian waters, they cannot again take such vessels or things in tow to move them further in Canadian waters; but this and the preceding rule are not to apply to an accidental parting of such vessel by breaking hawser or other temporary damages.

7. Foreign vessels shall be entitled to the foregoing privileges only on condition of strict compliance with the provisions of the "Customs Act, 1883," respecting reporting inwards and outwards on entering and leaving Canadian ports by the masters of such vessels.

8. Where vessels bring cargo or passengers from a foreign port consigned to more than one Canadian port, the masters of such vessels must make a full report of the whole contents at the first port of entry and distinguish therein the items to be there landed and the ports at which all other items are to be landed. Such report must be made in duplicate, with an additional copy for each succeeding port at which there are goods to be landed; and the Collector or proper officer of Customs shall mark each item in such report with the entry number, if entered, and in case of any item landed and placed in sufferance warehouse without entry, it shall be marked with the letter "L" in said report; duplicate copies to be filed at said first port of

entry, and the others to be carried with the vessel, and one to be filed at each succeeding port of entry.

9. As required by section 234 of the Act 46 Victoria, chapter 12, before cited, the fee of 50 cents for each vessel not over 50 tons and \$1 if over 50 tons shall be paid by each such vessel on reporting inwards, and the same on obtaining clearance outwards, at each port she enters above the port of Montreal.

10. For any violation of the requirements of these regulations the master or owner of any such vessel shall be subject to a fine of \$100, or such other fine or penalty provided by the Act 46 Victoria, chapter 12, before cited, as may be applicable to the case, and the vessel may be detained until such fine or penalty is paid.

11. Vessels fitted for and engaged in the deep sea fisheries are not included in these regulations.

JOHN J. MCGEE, *Clerk Privy Council.*

*Circular No. 375.*

CUSTOMS DEPARTMENT, OTTAWA, 17th November, 1886.

SIR,—Referring to the regulations respecting the rights of foreign vessels in Canadian waters, approved by Order in Council passed on the 10th inst., copies of which are mailed herewith to your address, I have to remind you that they do not establish any new rule or principle of action, but are intended to secure uniformity in practice at all ports, and to prevent the frequent misunderstandings heretofore arising on the questions involved. The regulations are in strict conformity with the rulings of this Department for many past years, and will be found also to accord with the customs and navigation laws.

I have further to inform you that these regulations do not invalidate, or alter in any respect, the coasting regulations heretofore in force, as the latter are appropriate to Canadian and British or other vessels which have a right to the coasting trade of Canada, and the former only apply to foreign vessels.

I would express the hope that you will carefully study so as to familiarize yourself with these regulations, and that you will intelligently enforce their provisions.

I am, sir, your obedient servant,

J. JOHNSON.

The Collector of Customs, Port of .....

—  
No. 49.

*Sir L. S. S. West to Lord Lansdowne.*

WASHINGTON, 27th May, 1887.

MY LORD,—With reference to the report of a Committee of the Privy Council of Canada, approved by Your Excellency on the 31st March last, copy of which was transmitted to me by the Marquis of Salisbury for communication to the United States Government, I have the honor to enclose to Your Excellency herewith copies of a Treasury circular which has been issued regulating towing by American and Canadian tugs.

I have, &c.,

L. S. SACKVILLE WEST.

His Excellency the Marquis of Lansdowne, G.C.M.G., &c.

*Circular.—Towing by American and Canadian Tugs.*

TREASURY DEPARTMENT, BUREAU OF NAVIGATION,  
WASHINGTON, D.C., 23rd May, 1887.

To Collectors of Customs on the Northern, North-eastern and North western Frontiers of the United States:

Recent correspondence with the Canadian Government has resulted in an understanding that the Canadian regulations in regard to the towing of vessels in Canadian waters and at Canadian ports by American tugs, shall be amended so as to extend to American tugs when in Canadian waters, "the same rights and privileges as are granted to Canadian tugs in American waters." Complaint is made by the British Minister that the privileges covered by section 4370, Revised Statutes, have not been extended to Canadian tugs when visiting American harbors in the upper lakes. The law upon the subject is as follows:—

"All steam tug-boats not of the United States, found employed in towing documented vessels of the United States plying from one port or place in the same to another, shall be liable to a penalty of fifty cents per ton on the measurement of every such vessel so towed by them respectively, which sum may be recovered by way of libel or suit. This section shall not apply to any case where the towing, in whole or in part, is within or upon foreign waters. Any foreign railroad company or corporation, whose road enters the United States by means of a ferry or tug-boat, may own such boat, and it shall be subject to no other or different restrictions or regulations in such employment than if owned by a citizen of the United States."

The attention of the Customs officers is invited to the provisions of the statute, and said officers are hereby instructed to allow Canadian tugs, when visiting American harbors of the upper lakes, such privileges as are accorded to them by the section.

C. B. MORTON, *Commissioner*.

Approved:

HUGH S. THOMPSON, *Acting Secretary*.

-----  
No. 142.

*Robert G. W. Herbert to the Officer Administering the Government of Canada.*

DOWNING STREET, 11th June, 1887.

MY LORD,—I am directed by the Secretary of State to transmit to you for communication to your Ministers with reference to his despatch No. 105, of the 4th of May, the documents specified in the annexed schedule.

I have, &c.,

ROBERT G. W. HERBERT.

The Officer Administering the Government of Canada.

Date.	Description of Document.
2nd June, 1887.	Foreign Office to Colonial Office. Transmits despatch and its enclosures from Minister at Washington respecting towing rights on Canadian lakes.



*Foreign Office to the Colonial Office.*

FOREIGN OFFICE, 2nd June, 1887.

SIR,—I am directed by the Secretary of State for Foreign Affairs to transmit to you to be laid before Secretary Sir H. Holland with reference to your letter of 28th April the accompanying despatch and enclosures as marked in the margin giving correspondence with the United States Government respecting towing rights on Canadian lakes.

I am, &amp;c.,

I. V. LISTER.

The Under Secretary of State, Colonial Office.

*Sir L. S. West to the Marquis of Salisbury.*

WASHINGTON, 20th May, 1887.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's despatch No. 29 of this series of the 30th ultimo and to enclose to Your Lordship herewith copy of a note which I addressed to the Secretary of State communicating the substance of a report from the Privy Council of Canada on the subject of extending to United States tugs in Canadian waters the privileges now enjoyed by Canadian tugs in United States waters, as well as copy of the reply thereto expressing satisfaction at the recommendation of Privy Council in this respect.

I have, &amp;c.,

L. S. SACKVILLE WEST.

The Marquis of Salisbury, K.G., &amp;c.

*Sir L. S. West to the Hon. T. F. Bayard.*

WASHINGTON, 10th May, 1887.

SIR,—With reference to your note of the 24th of September last in which you requested to be informed whether or not Her Britannic Majesty's Government is willing to extend reciprocally to American tugs in Canadian waters the privileges which Canadian tugs now enjoy in the waters of the United States, I have the honor to inform you that a Sub-Committee of the Privy Council of Canada to whom the question was referred has reported as follows:

The Sub Committee are unable to find any evidence that Canadian tugs in United States waters have any privileges which have not been conceded to United States tugs in Canadian waters except in the case provided for under section 4370 of the Revised Statutes of the United States. The Sub-Committee state however that the privilege covered by this section has not been extended to Canadian tugs when visiting American harbors in the upper lakes of the Dominion, but the Sub-Committee interpreting the section above quoted as extending to all harbors in the United States situated in Lakes Ontario, Erie, Huron and Superior, and in the rivers connecting said lakes, recommend that the regulations governing tugging in Canada be amended so as to extend to American tugs when in Canadian waters the same rights and privileges granted by the United States Government to Canadian tugs when in American waters.

I have, &amp;c.,

L. WEST.

The Hon. T. F. BAYARD.

*The Hon. T. F. Bayard to Sir L. West.*

DEPARTMENT OF STATE, WASHINGTON, 18th May, 1887.

SIR,—I have the honor to acknowledge with cordial satisfaction the receipt of your note of the 10th instant, in which with reference to previous correspondence on the subject you inform me that the regulations governing tugging in Canada are to be amended so as to extend to American tugs when in Canadian waters the same rights and privileges granted by the American Government to Canadian tugs when in American waters.

This Government trusts that the promised amendment of the Canadian regulations may be soon perfected, so that the commerce of the two countries on the lakes may enjoy the mutual benefits of the arrangement fully during the present season.

I have, &c.,

T. F. BAYARD.

The Hon. Sir L. S. WEST, K.C.M.G.

No. 178.

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 1st July, 1887.

MY LORD,—With reference to my despatch No. 142 of the 11th ultimo, and to previous correspondence, I have the honor to transmit to you, for the information of your Government, a copy of a United States Treasury circular respecting towing by American and Canadian tug boats, which has been received from Her Majesty's Minister at Washington.

I have, &c.,

H. T. HOLLAND.

Governor General, The Most Hon. the Marquis of Lansdowne, G.C.M.G.

No. 19.

*Sir L. S. West to Lord Lansdowne.*

WASHINGTON, 28th March, 1888.

MY LORD,—I have the honor to enclose to Your Lordship herewith copy of a despatch which I have addressed to the Marquis of Salisbury based on a private letter from Mr. Bayard.

I have, &c.,

L. S. SACKVILLE WEST.

His Excellency the Marquis of Lansdowne, G.C.M.G., &c.

*Sir L. S. West to the Marquis of Salisbury.*

WASHINGTON, 28th March, 1888.

MY LORD,—I have the honor to inform your Lordship that I have received a private letter from Mr. Bayard referring to correspondence relative to the establishment of a reciprocal arrangement for rendering aid to vessels wrecked in the waters between the United States and Canada upon the terms proposed by the Act of Congress of the 19th of June, 1878, and informing me in view of the fact that a Bill is now pending in the Canadian Parliament relative to this subject, that the President is ready to issue the proclamation contemplated by the above mentioned Act as soon as he shall be officially notified of the readiness of Her Majesty's Government to accept the reciprocal arrangement tendered by the Act in question.

I have forwarded copy of this despatch to the Marquis of Lansdowne.

I have, &c.,

Marquis of Salisbury, K.G., &c.

L. WEST.

## CORRESPONDENCE

(65a)

Relating to the seizure of British vessels in Behring's Sea.

### CONTENTS.

Lord Lansdowne to Sir H. Holland,	Telegram,	31st March,	1887.
Sir H. Holland to Lord Lansdowne,		23rd April,	1887.
do do do	No. 115,	12th May,	1887.
Sir R. G. W. Herbert to Lord Lansdowne,		27th May,	1887.
Sir H. Holland to Lord Lansdowne,	No. 206,	14th July,	1887.
do do do	No. 279,	15th August,	1887.
Lord Lansdowne to Sir H. Holland,	No. 325,	19th August,	1887.
Sir H. Holland to Lord Lansdowne,		1st September,	1887.
do do do	No. 308,	1st September,	1887.
do do do		16th September,	1887.
Sir L. West do do	No. 66,	23 August,	1887.
Lord Lansdowne to Sir H. Holland,	No. 338,	27th August,	1887.
Sir H. Holland to Lord Lansdowne,		14th September,	1887.
Lord Lansdowne to Sir H. Holland,	Telegram,	23rd September,	1887.
do do do	No. 372,	26th September,	1887.
Sir H. Holland to Lord Lansdowne,		8th October,	1887.
Sir L. West do do	No. 81,	14th October,	1887.
Lord Lansdowne to Sir H. Holland,	No. 403,	20th October,	1887.
do do do	No. 409,	20th October,	1887.
Sir H. Holland to Lord Lansdowne,	No. 356,	20th October,	1887.
do do do		4th November,	1887.
do do do		16th November,	1887.
do do do	No. 399,	24th November,	1887.
do do do		7th December,	1887.
Lord Lansdowne to Sir Henry Holland,		19th January,	1887.

*Lord Lansdowne to Sir H. Holland.*

31st March, 1887.

Vessels now being fitted out for this year's trip to Behring's Sea. Owners enquire whether, when not near land, they may depend upon being unmolested by United States cruisers.

Please reply by cable.

LANDSDOWNE

*Sir H. T. Holland to Lord Lansdowne.*

DOWNING STREET, 23rd April, 1887.

MY LORD,—With reference to previous correspondence, I have the honor to transmit to you for communication to your Ministers, copy of a letter from the

Foreign Office enclosing copies of two despatches from Her Majesty's Minister at Washington on the subject of the Alaska fisheries question.

I have, &c.,

H. T. HOLLAND.

Governor General, the Most Honorable the Marquis of Lansdowne, G.C.M.G., &c.

*From Foreign Office to Colonial Office.*

FOREIGN OFFICE, 13th April, 1887.

SIR,—With reference to your letter of the 2nd instant, I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before Secretary Sir Henry Holland, copies of two despatches, as marked in the margin, on the subject of the Alaska fisheries question.

I am, &c.,

J. PAUNCEFOTE.

The Under Secretary of State, Colonial Office.

*Sir L. West to the Marquis of Salisbury.*

WASHINGTON, 2nd April, 1887.

MY LORD,—I have the honor to inform Your Lordship that the Commander of the United States revenue cutter "Gallatin" has been cited to appear before the Admiralty Court in the Boston District to answer to the allegation that in June last while in command of the United States steamer "Corwin" he took by force from the American schooner "Sierra" her arms and ammunition at a point in the open sea thirty miles north of Ounalaska, while she was navigating the waters of the North Pacific Ocean on a hunting and fishing expedition, thus breaking up her voyage to the damage of the plaintiffs of \$22,500.

I have instructed Her Majesty's Consul at Boston to watch this case and report the decision of the court.

I have, &c.,

L. WEST.

The Marquis of Salisbury, K.G., &c.

*Sir L. West to the Marquis of Salisbury.*

WASHINGTON, 29th March, 1887.

MY LORD,—I have the honor to report to Your Lordship that the United States steamship "Thetis" has sailed from New York and will proceed round Cape Horn and up the west coast to Alaska. It is reported that the Secretary of the Treasury has received a letter from the Alaska Commercial Company complaining that private parties are taking seals in the waters about Alaska, and asking for more revenue cutters to be sent for their protection. The company further ask that the United States Government should prohibit all killing of seals within the eastern half of Behring's Sea, or from a point beginning at Behring's Straits and passing from the north-west end of St. Lawrence Island in a south-westerly direction to the island of Alton at the extreme westerly point of the Aleutian Archipelago.

I have, &c.,

L. S. WEST.

The Marquis of Salisbury, K.G., &c.

No. 115.

*Sir H. T. Holland to Lord Lansdowne.*

DOWNING STREET, 12th May, 1887.

MY LORD,—I have the honor to transmit to you, for communication to your Ministers, with reference to previous correspondence, a copy of a letter from the

Foreign Office, enclosing a copy of a despatch from Her Majesty's Minister at Washington, respecting the seizure of British vessels engaged in seal fishing in Behring's Sea last autumn.

I have, &c.

H. T. HOLLAND.

Governor General, the Most Honorable the Marquis of Lansdowne, G.C.M.G.

[Enclosure No 1.]

*The Foreign Office to the Colonial Office.*

FOREIGN OFFICE, 5th May, 1887.

SIR,—With reference to the letter from this office of the 15th ultimo, I am directed by the Marquis of Salisbury to transmit to you, to be laid before secretary Sir Henry Holland, a copy of a despatch, No. 97, dated 13th April, 1887, with its enclosures from Her Majesty's Minister at Washington, relative to the question of the seizure last autumn in Behring's Sea of three British schooners engaged in seal fishing.

Copies of the laws of the United States relating to Alaska to which reference is made U. S. statutes *re* made in Mr. Bayard's note of the 12th ultimo to Sir L. West, are Alaska, sec. 1936-1971. also enclosed.

I am, &c.

P. W. CURRIE.

The Under Secretary of State, Colonial Office.

[Enclosure No. 2.]

*Sir L. S. West to the Marquis of Salisbury.*

WASHINGTON, 13th April, 1887.

MY LORD,—With reference to Your Lordship's telegram No. 7 of 2nd instant, I have the honor to enclose to your Lordship, herewith, copy of a note which I addressed to the Secretary of State, as well as copy of reply thereto, stating that the records of the judicial proceedings in cases of the British vessels seized in Behring's Sea, were received at the State Department on Saturday last, and are now under examination; and that the remoteness of the scene of the fur seal fisheries has delayed the Treasury officials in framing appropriate regulations, and issuing orders to the United States police vessels, which information I had the honor to telegraph to Your Lordship this day.

I have, &c.,

L. S. WEST.

The Marquis of Salisbury, K.G., &c., &c., &c.

[Enclosure No. 3.]

*Sir L. S. West to Mr. Bayard.*

WASHINGTON, 4th April, 1887.

SIR,—In view of the approaching fishing season in Behring's Sea, and the fitting out of vessels for fishing operations in those waters, Her Majesty's Government have requested me to inquire whether the owners of such vessels may rely on being unmolested by the cruisers of the United States when not near land.

Her Majesty's Government are also desirous to know whether the documents referred to in your note of 3rd February last, connected with the seizure of certain British vessels beyond the three-mile limit, and legal proceedings connected therewith, have been received, and I have the honor, therefore, to request you to be good enough to enable me to reply to their inquiries on the part of Her Majesty's Government with as little delay as possible.

I have, &c.,

L. S. WEST.

The Hon. T. F. Bayard, &c., &c., &c.

[Enclosure No. 4.]

*Mr. Secretary Bayard to Sir L. West.*

DEPARTMENT OF STATE, WASHINGTON, 12th April, 1887.

SIR,—I have the honor to acknowledge your note of 4th instant, relative to the fisheries in Behring's Sea, and inquiring whether the documents referred to in my note of 3rd February, relating to the cases of seizure in those waters of vessels charged with violating the laws of the United States regulating the killing of fur seals, had been received. The records of the judicial proceedings in the cases in the District Court in Alaska referred to were only received at this department on Saturday last, and are now under examination.

The remoteness of the scene of the fur seal fisheries, and the special peculiarities of that industry, have unavoidably delayed the Treasury officials in framing regulations and issuing orders to United States vessels to police the Alaskan waters for the protection of the fur seals from indiscriminate slaughter and consequent speedy extermination.

The laws of the United States in this behalf are contained in the Revised Statutes relating to Alaska, in section 1956-1971, and have been in force for upwards of 17 years, and prior to the seizures of last summer but a single infraction is known to have occurred, and that was promptly punished.

The question of instructions to Government vessels in regard to preventing the indiscriminate killing of fur seals, is now being considered, and I will inform you at the earliest day possible what has been decided, so that British and other vessels visiting the waters in question can govern themselves accordingly.

I have, &amp;c.,

T. F. BAYARD.

Hon. Sir L. WEST, &amp;c., &amp;c., &amp;c.

## ANNEX.

## CHAPTER III.

*Provisions relating to the Unorganized Territory of Alaska.*

## Section.

1954. Customs, &c., laws extended to Alaska.
1955. Importation of fire-arms and distilled spirits may be prohibited.
1956. Killing of fur-bearing animals prohibited.
1957. What courts to have jurisdiction of offences.
1958. Remission of fines, &c.
1959. Saint Paul and Saint George Islands declared special reservations.
1960. Killing of seal upon them prohibited except in certain months.
1961. Killing of certain seal prohibited.
1962. Limit to number of seals to be killed.
1963. Right to take seal may be leased.
1964. Bond.
1965. Who may lease.
1966. Covenants in lease.
1967. Penalty.
1968. Penalty upon leases.
1969. Tax upon seal skins.
1970. Lease may be terminated.
1971. Lessees to furnish copies to masters of their vessels.
1972. Certain sections may be altered.
1973. Agents and assistants to manage seal fisheries.
1974. Their pay, &c.
1975. Not to be interested in right to take seals.
1976. Agents may administer certain oaths and take testimony.

Sec 1954. The laws of the United States relating to customs, commerce, and navigation, are extended to and over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia by Treaty concluded at Washington on the 30th day of March, A. D. 1867, so far as the same may be applicable thereto.

Sec. 1955. The President shall have power to restrict and regulate or to prohibit the importation and use of fire-arms, ammunition, and distilled spirits, into and within the Territory of Alaska; the exportation of the same from any other port or place in the United States, when destined to any port or place in that territory, and all such arms, ammunition, and distilled spirits, exported or attempted to be exported from any port or place in the United States and destined for such Territory, in violation of any regulations that may be prescribed under this section, and all such arms, ammunition, and distilled spirits, landed or attempted to be landed or used at any port or place in the territory, in violation of such regulations, shall be forfeited; and if the value of the same exceeds \$400 the vessel upon which the same is found, or from which they have been landed, together with her tackle, apparel and furniture, and cargo, shall be forfeited; and any person wilfully violating such regulations shall be fined not more than \$500, or imprisoned not more than six months. Bonds may be required for a faithful observance of such regulations from the master or owners of any vessel departing from any port in the United States having on board fire-arms, ammunition, or distilled spirits, when such vessel is destined to any place in the territory, or if not so destined, when there is reasonable ground of suspicion that such articles are intended to be landed therein in violation of law; and similar bonds may also be required on the landing of any such articles in the territory from the person to whom the same may be consigned.

Sec. 1956. No person shall kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal, within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offence, be fined not less than \$200 nor more than \$1,000, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur-seals, under such regulations as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur-seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law; nor shall he grant any special privileges under this section.

Sec. 1957. Until otherwise provided by law, all violations of this chapter, and of the several laws hereby extended to the Territory of Alaska and the waters thereof, committed within limits of the same, shall be prosecuted in any district court of the United States in California or Oregon, or in the district courts of Washington; and the collector and deputy collectors appointed for Alaska Territory, and any person authorized in writing by either of them, or by the secretary of the Treasury, shall have power to arrest persons and seize vessels and merchandize liable to fines, penalties or forfeitures under this and the other laws extended over the territory, and to keep and deliver the same to the marshal of some one of such courts; and such courts shall have original jurisdiction, and may take cognizance of all cases arising under this Act and the several laws hereby extended over the territory, and shall proceed therein in the same manner and with the like effect as if such cases had arisen within the district or territory where the proceedings are brought.

Sec. 1958. In all cases of fine, penalty or forfeiture embraced in the Act approved the 3rd March, 1797, ch. 13, or mentioned in any Act in addition to or amendatory of such Act, that have occurred or may occur in the collection district of Alaska, the secretary of the Treasury is authorized, if, in his opinion, the fine, penalty or forfeiture was incurred without wilful negligence or intention of fraud, to ascertain the facts in such manner and under such regulations as he may deem proper without regard to the provisions of the Act above referred to, and upon the facts so to be ascertained he may exercise all the power of remission conferred upon him by that

Act, as fully as he might have done had such facts been ascertained under and according to the provisions of that Act.

Sec. 1959. The islands of Saint Paul and Saint George, in Alaska, are declared a special reservation for Government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on either of those islands, except by the authority of the Secretary of the Treasury; and any person found on either of those islands, contrary to the provisions hereof, shall be summarily removed; and it shall be the duty of the Secretary of War to carry this section into effect.

Sec. 1960. It shall be unlawful to kill any fur-seal upon the Islands of Saint Paul and Saint George, or in the waters adjacent thereto except during the months of June, July, September, and October in each year; and it shall be unlawful to kill such seals at any time by the use of fire-arms, or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing during other months, and also such old seals as may be required for their own clothing, and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of the Treasury.

Sec. 1961. It shall be unlawful to kill any female seal, or any seal less than one year old, at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the Islands of Saint Paul and Saint George, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offence by a fine of not less than \$200 nor more than \$1,000, or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section, shall be forfeited to the United States.

Sec. 1962. For the period of twenty years from the 1st July, 1870, the number of fur seals which may be killed for their skins upon the Island of Saint Paul is limited to 75,000 per annum; and the number of fur-seals which may be killed for their skins upon the Island of Saint George is limited to 25,000 per annum; but the Secretary of the Treasury may limit the right of killing, if it becomes necessary for the preservation of such seals, with such proportionate reduction of the rents reserved to the Government as may be proper; and every person who knowingly violates either of the provisions of this section shall be punished as provided in the preceding section.

Sec. 1963. When the lease heretofore made by the secretary of the Treasury to "The Alaska Commercial Company," of the right to engage in taking fur-seals on the islands of Saint Paul and Saint George, pursuant to the Act of the 1st July, ch. 189, or when any future similar lease expires, or is surrendered, forfeited or terminated, the secretary shall lease to proper and responsible parties, for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance and education, as well as to the interests of the parties heretofore engaged in trade and the protection of the fisheries, the right of taking fur-seals on the islands herein named, and of sending a vessel or vessels to the islands for the skins of such seals, for the term of twenty years, at an annual rental of not less than \$50,000, to be reserved in such lease and secured by a deposit of United States bonds to that amount; and every such lease shall be duly executed in duplicate, and shall not be transferable.

Sec. 1964. The Secretary of the Treasury shall take from the lessees of such islands in all cases a bond, with securities, in a sum not less than \$500,000 conditioned for the faithful observance of all the laws and requirements of congress, and the regulations of the Secretary of the Treasury touching the taking of fur seals and the disposing of the same, and for the payment of all taxes and dues accruing to the United States connected therewith.

Sec. 1965. No persons other than American citizens shall be permitted, by lease or otherwise, to occupy the islands of Saint Paul and Saint George, or either of them,



for the purpose of taking the skins of fur-seals therefrom, nor shall any foreign vessels be engaged in taking such skins; and the Secretary of the Treasury shall vacate and declare any lease forfeited if the same be held or operated for the use, benefit or advantage, directly or indirectly, of any persons other than American citizens.

Sec. 1966. Every lease shall contain a covenant on the part of the lessee that he will not keep, sell, furnish, give or dispose of any distilled spirits or spirituous liquors on either of those islands to any of the natives thereof, such person not being a physician and furnishing the same for use as medicine; and every revenue officer, officially acting as such on either of the islands, shall seize and destroy any distilled or spirituous liquors found thereon; but such officer shall make detailed reports of his doings in that matter to the collector of the port.

Sec. 1967. Every person who kills any fur seal on either of those islands, or in the waters adjacent thereto, without authority of the lessees thereof, and every person who molests, disturbs, or interferes with the lessees, or either of them, or their agents or employees, in the lawful prosecution of their business, under the provisions of this chapter, shall for each offence be punished as prescribed in section 1961; and all vessels, their tackle, apparel, appurtenances, and cargo, whose crews are found engaged in any violation of the provisions of sections 1965 to 1968, inclusive, shall be forfeited to the United States.

Sec. 1968. If any person or company, under any lease herein authorized, knowingly kills, or permits to be killed, any number of seals exceeding the number for each island in this chapter prescribed, such person or company shall, in addition to the penalties and forfeitures herein provided, forfeit the whole number of the skins of seals killed in that year, or, in case the same have been disposed of, then such person or company shall forfeit the value of the same.

Sec. 1969. In addition to the annual rental required to be reserved in every lease, as provided in section 1963, a revenue tax or duty of 2 dollars is laid upon each fur seal skin taken and shipped from the Islands of Saint Paul and Saint George, during the continuance of any lease, to be paid into the Treasury of the United States; and the Secretary of the Treasury is empowered to make all needful regulations for the collection and payment of the same, and to secure the comfort, maintenance, education, and protection of the natives of those islands, and also to carry into full effect all the provisions of this chapter except as otherwise prescribed.

Sec. 1970. The Secretary of the Treasury may terminate any lease given to any person, company, or corporation on full and satisfactory proof of the violation of any of the provisions of this chapter or the regulations established by him.

Sec. 1971. The lessees shall furnish to the several masters of vessels employed by them certified copies of the lease held by them respectively, which shall be presented to the Government revenue officer for the time being who may be in charge at the islands as the authority of the party for landing and taking skins.

Sec. 1972. Congress may at any time hereafter alter, amend or repeal sections from 1960 to 1971, both inclusive, of this chapter.

Sec. 1973. The Secretary of the Treasury is authorized to appoint one agent and three assistant agents, who shall be charged with the management of the seal fisheries in Alaska, and the performance of such other duties as may be assigned to them by the Secretary of the Treasury.

Sec. 1974. The agent shall receive the sum of \$10 each day, one assistant agent the sum of \$8 each day, and two assistant agents the sum of \$6 each day while so employed; and they shall also be allowed their necessary travelling expenses in going to and returning from Alaska, for which expenses vouchers shall be presented to the proper accounting officers of the Treasury, and such expenses shall not exceed in the aggregate \$600 each in any one year.

Sec. 1975. Such agents shall never be interested, directly or indirectly, in any lease of the right to take seals, nor in any proceeds or profits thereof, either as owner agent, partner or otherwise.

Sec. 1976. Such agents are empowered to administer oaths in all cases relating to the service of the United States, and to take testimony in Alaska for the use of the Government in any matter concerning the public revenues.

*Sir R. G. W. Herbert to the Officer Administering the Government of Canada.*

DOWNING STREET, 27th May, 1887.

MY LORD,—I am directed by the Secretary of State to transmit to you for communication to your Ministers with reference to previous correspondence the documents specified in the annexed schedule.

I have, &c.,

R. G. W. HERBERT.

The Officer Administering the Government of Canada.

Date.	Description of Document.
6th May.....	Sir L. S. S. West to Foreign Office. The seizures in Behring's Sea.

*The Foreign Office to the Colonial Office.*

FOREIGN OFFICE, 19th May, 1887.

SIR,—I am directed by the Secretary of State for Foreign Affairs to transmit to you, to be laid before Her Majesty's Secretary of State for the Colonies, copy of a despatch, as marked in the margin, from Her Majesty's Minister at Washington, relative to the seizures in Behring's Sea.

I am, &c.,

J. PAUNCEFOTE.

The Under Secretary of State, Colonial Office.

*Sir L. West to the Marquis of Salisbury.*

WASHINGTON, 6th May, 1887.

MY LORD,—With reference to my despatch No. 88, of April 2nd last, I have the honor to inform Your Lordship that the case of the owners of the American ships seized for sealing in Behring's Sea, against the captain of the United States cruiser "Corwin," has been postponed until the Government is prepared for the defence.

I have, &c.,

L. S. WEST.

The Marquis of Salisbury, &c., &c., &c.

No. 206.

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 14th July, 1887.

MY LORD,—I referred to the Secretary of State for Foreign Affairs a copy of Your Lordship's despatch, No. 169, of the 21st of May last, enclosing a copy of an approved report of your Privy Council, respecting the action of the United States authorities towards British subjects, in connection with the seizure of Canadian sealing schooners in Behring Sea.

I now enclose, for communication to your Government, a copy of a letter received from the Foreign Office in reply, from which it will be seen that the Marquis of Salisbury is of opinion that it will be desirable, before any further representations are made to the United States Government, with a view to obtaining reparation, that Her Majesty's Government should be in possession of the record of

the judicial proceedings in the District Court in Alaska, and that instructions have been sent by telegraph to Sir L. West.

You will be so good as to transmit to me a copy of any printed papers which have been laid before the Parliament of the Dominion on this subject.

I have, &c.,

H. T. HOLLAND.

Governor General,

The Most Honorable the Marquis of Lansdowne, G.C.M.G., &c., &c., &c.

[Enclosure No. 1.]

*The Foreign Office to the Colonial Office.*

FOREIGN OFFICE, 8th July, 1887.

SIR,—I am directed by the Marquis of Salisbury to acknowledge the receipt of your letter, of the 27th ultimo, relating to the case of the seizure of certain British vessels when engaged in seal fishing last autumn in Behring's Sea.

In reply, I am to request that you will state to Sir H. Holland that in Lord Salisbury's opinion it is very desirable that, before any further representations are made to the United States Government with a view to obtaining reparation, Her Majesty's Government should be in possession of the records of the judicial proceedings in the District Court in Alaska, and instructions have been sent by telegraph to Sir L. West, directing him to request that he may be furnished with these documents by the United States Government for the use of Her Majesty's Government.

I am further to request that this Department may be supplied with a copy of the papers which have been laid before the Canadian Parliament in regard to this question.

I am, &c.,

J. V. LISTER.

The Under Secretary of State, Colonial Office.

279

*Sir H. T. Holland to Lord Lansdowne.*

DOWNING STREET, 15th August, 1887.

MY LORD,—I have the honor to transmit to you, for communication to your Ministers with reference to previous correspondence, copy of a letter from the Foreign Office, enclosing copies of two despatches which have been addressed to Her Majesty's Minister at Washington, respecting the seizure of British sealing schooners in Behring Sea by an American revenue vessel.

I have, &c.,

H. T. HOLLAND.

Governor General, the Most Honorable the Marquis of Lansdowne, G.C.M.G., &c.

[Enclosure No. 1.]

*Foreign Office to the Colonial Office.*

FOREIGN OFFICE, 12th August, 1887.

SIR,—With reference to your letter of 28th July last, I am directed by the Marquis of Salisbury to transmit to you for the information of Sir H. Holland, copies of two despatches, Nos. 193 and 194, 10th instant, which have been addressed to Her Majesty's Minister at Washington in regard to the seizure of British sealing schooners in Behring Sea by the United States authorities.

I am, &c.,

J. V. LISTER.

The Under Secretary of State, Colonial Office.

[Enclosure No. 2.]

*The Marquis of Salisbury to Sir L. West.*

FOREIGN OFFICE, 10th August, 1887.

SIR,—I have to inform you that a telegram has been received from the Commander-in-Chief of Her Majesty's Naval Forces in the Pacific, dated Victoria, British Columbia, on the 7th instant, from which it appears that an American revenue vessel had seized three more British Columbian sealing schooners when a long distance from land, and that they had been taken to Sitka. He further stated that several other vessels in sight from Sitka were being towed in.

It will be within your recollection that in the correspondence which has recently taken place in regard to the previous seizures of three British vessels by the United States revenue cruiser "Corwin," Mr. Bayard stated in a note dated the 3rd February (a copy of which accompanied your despatch No. 34 of the following day), that "without conclusion at this time of day of any questions which may be found to be involved in these cases of seizure, orders have been issued by the President's direction for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith."

I request that you will at once communicate with the United States Government as to the nature of the information which has reached them in regard to these further seizures of British vessels by the United States authorities.

You will at the same time say that Her Majesty's Government had assumed, in view of the assurance conveyed to you in Mr. Bayard's note of the 3rd February last, that pending a conclusion of the discussion between the two Governments on the general question involved, no further similar seizures of British vessels would be made by order of the United States Government.

I am, &amp;c.,

SALISBURY.

[Enclosure No. 3.]

*The Marquis of Salisbury to Sir L. S. West.*

FOREIGN OFFICE, 10th August, 1887.

SIR,—I have to acknowledge the receipt of your despatch, No. 196, of the 12th ultimo, enclosing printed copies of the records in the United States District Court for the district of Alaska, in the cases of the British Columbian sealing schooners "Onward, Carolina and Thornton."

I should be glad if you would inform me whether the owners or masters of any of these vessels have entered an appeal against the judgments delivered by the Court, and whether, if they have not already done so, such a course is still open to them.

It is also desirable that Her Majesty's Government should be furnished with a full report of the proceedings at the trials of the masters which resulted in their conviction and sentence to imprisonment and fine.

I have further to request that you will endeavor to ascertain and report to me when it is probable that the appeals referred to in your despatches Nos. 88 and 113 of the 2nd April, 1887, and of the 6th May, 1887, respectively, of the owners of the American ships which were seized on similar grounds, will come on for hearing, and whether any arrangement has been or can now, in your opinion, advantageously be made between the owners of the British and American vessels on the one side and the Government of the United States on the other, that one of these cases should be regarded as a test case, by which, in so far as the American legal tribunals are concerned, the remaining cases might be held to be concluded.

It must, however, be clearly understood that any such arrangement, if made, would only affect the legal remedies which were open to the masters and owners of these vessels in the American courts, and would in no degree limit the right of Her Majesty's Government, after all such legal remedies were considered to be exhausted

to intervene through diplomatic channels and on international grounds on behalf of such masters or owners.

It is presumed that the records of the proceedings in the cases of the seizures of the British schooners which accompanied your despatch No. 196 were communicated officially to Her Majesty's Legation, and, if so, I request that you will furnish me with a copy of the note by which they were accompanied.

I am, &c.,

SALISBURY.

*Sir L. West to the Marquis of Salisbury.*—(Received July 22.)

WASHINGTON, 12th July, 1887.

MY LORD,—With reference to your Lordship's telegram of the 8th instant, I have the honor to transmit herewith printed copies of the judicial proceedings in the United States District Court for the district of Alaska in the several cases of the schooners "Onward," "Carolina" and Thornton," proceeded against on a charge of killing fur seal in Alaska.

I have, &c.,

L. S. SACKVILLE WEST.

[Enclosure in No. 55.]

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA.

*The United States, Libellant, vs. the Schooner "Thornton," her tackle, &c.—On Libel of Information for being engaged in the Business of Killing Fur Seal in Alaska.*

*Transcript of Record.*

On the 23th day of August, 1886, was filed the following libel of information:—

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF ALASKA.  
AUGUST SPECIAL TERM, 1886.

To the HON. LAFAYETTE DAWSON, Judge of said District Court :

The libel of information of M. D. Ball, Attorney for the United States for the District of Alaska, who prosecutes on behalf of said United States, and being present here in court in his proper person, in the name and on behalf of the said United States, against the schooner "Thornton," her tackle, apparel, boats, cargo and furniture, and against all persons intervening for their interest therein, in a cause of forfeiture, alleges and informs as follows:—

That Charles A. Abbey, an officer in the Revenue Marine Service of the United States, and on special duty in the waters of the district of Alaska, heretofore, to wit, on the 1st day of August, 1886, within the limits of Alaska territory, and in the waters thereof, and within the civil and judicial district of Alaska, to wit, within the waters of that portion of Behring Sea belonging to the said district, on waters navigable from the sea by vessels of 10 or more tons burden, seized the ship or vessel, commonly called a schooner, the "Thornton," her tackle, apparel, boats, cargo and furniture, being the property of some person or persons to the said attorney unknown, as forfeited to the United States, for the following causes:—

That the said vessel or schooner was found engaged in killing fur seal within the limits of Alaska territory, and in the waters thereof, in violation of section 1956 of the Revised Statutes of the United States.

And the said attorney saith that all and singular the premises are and were true, and within the admiralty and maritime jurisdiction of this court, and that by reason thereof, and by force of the Statutes of the United States in such cases made and provided, the aforementioned and described schooner or vessel, being a vessel of over 20 tons burden, her tackle, apparel, boats, cargo, and furniture, became and are forfeited to the use of the said United States, and that the said schooner is now within the district aforesaid.

Wherefore the said attorney prays that the usual process and monition of this honorable court issue in this behalf, and that all persons interested in the before-mentioned and described schooner or vessel may be cited in general and special to answer the premises, and all due proceedings being had, that the said schooner or vessel, her tackle, apparel, boats, cargo and furniture may, for the cause aforesaid, and others appearing, be condemned by the definite sentence and decree of this honorable court, as forfeited to the use of the said United States, according to the form of the statute of the said United States in such cases made and provided.

M. D. BALL,

*United States District Attorney for the District of Alaska.*

Whereupon forthwith issued the following monition:

District of Alaska, Sot.,

The President of the United States of America to the Marshal of the District of Alaska, greeting:

Whereas a libel of information hath been filed in the District Court of the United States for the District of Alaska, on the 28th day of August, in the year 1886, by M. D. Ball, United States attorney for the district aforesaid, on behalf of the United States of America, against the schooner "Thornton," her tackle, apparel, boats, cargo, and furniture, as forfeited to the use of the United States for the reasons and causes in said libel of information mentioned, and praying the usual process and monition of the said court in that behalf to be made, and that all persons interested in the said schooner "Thornton," her tackle, apparel, boats, cargo, and furniture, &c., may be cited in general and special to answer the premises, and all proceedings being had, that the said schooner "Thornton," her tackle, apparel, boats, cargo, and furniture, &c., may, for the causes in the said libel of information mentioned, be condemned as forfeited to the use of the United States.

You are therefore hereby commanded to attach the said schooner "Thornton," her tackle, apparel, boats, cargo, and furniture, to detain the same in your custody until the further order of the court respecting the same, and to give notice to all persons claiming the same, or knowing or having anything to say why the same should not be condemned and sold pursuant to the prayer of the said libel of information, that they be and appear before the said court to be held in and for the District of Alaska, on the 4th October, 1886, at 10 o'clock in the forenoon of the same day, if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to interpose a claim for the same, and to make their allegations in that behalf.

And what you shall have done in the premises do you then and there make return thereof, together with this writ.

Witness the Honorable Lafayette Dawson, Judge of the said court, and the seal thereof affixed at the city of Sitka, in the District of Alaska, this 28th day of August, in the year of our Lord 1886; and of the independence of the United States, the 111th.

(Seal.)

ANDREW T. LEWIS, Clerk.

On September 6, 1886, was filed the following affidavit:—

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF ALASKA,  
UNITED STATES OF AMERICA.

*The United States of America vs the Schooner "Thornton."*

United States of America, District of Alaska, ss.

C. A. Abbey, being duly sworn, deposes and says:—

That he is, and at all times herein mentioned was, a captain in the United States Revenue Marine, and in command of the United States revenue cutter "Corwin."

That affiant and the following named officers of said "Corwin" are material and necessary witnesses for the United States in the above entitled action: J. C. Cantwell, lieutenant; J. U. Rhodes, lieutenant; J. H. Douglas, pilot.

That owing to scarcity of provisions and fuel upon the said cutter "Corwin," the said "Corwin" and deponent and said witnesses will be obliged to and are about to go to sea within five days, and out of the district in which the said case is to be tried, and to a greater distance than 100 miles from the place of trial of said action before the time of said trial.

That there is urgent necessity for taking the depositions of affiant and said witnesses forthwith.

That Hans Guttormsen was master, and in possession of said schooner "Thornton" at the time of seizure thereof.

C. A. ABBEY.

Subscribed and sworn to before me, this 6th day of September, 1886.

ANDREW T. LEWIS, *Clerk.*

On the same day was entered the following order :

*In the Matter of the United States vs. Schooner "Thornton," Case No. 50 ; Schooner "Carolina," Case No. 51 ; Schooner "Onward," Case No. 49 ; Schooner "San Diego," Case No. 52.*

In the above entitled actions urgent necessity and good cause appearing therefor from the affidavits of C. A. Abbey, now on motion of M. D. Ball, United States District Attorney for Alaska, and counsel for the United States herein, it is ordered that the depositions of the witnesses C. A. Abbey, J. W. Howison, J. C. Cantwell, J. U. Rhodes, J. H. Douglas, C. T. Winslow, Albert Leaf, C. Wilhelm, Thomas Singleton, and T. Lorensen, be taken before the clerk of the said District Court on Tuesday, the 7th day of September, 1886, at 7 o'clock, p.m., or as soon thereafter as the matter can be reached at the office of said clerk at Sitka, Alaska; and if not completed on said evening, then the taking of said depositions to be continued by said clerk, from time to time, until completed. That notice of time and place of taking said depositions be served by the marshal of said district on Hans Guttormsen, James Blake, Daniel Munro, and Charles E. Raynor, and upon W. Clark, Esq., attorney-at-law, on or before the 7th of September at 12 a.m., and that such shall be due and sufficient and reasonable notice of the taking of said depositions.

Done in open court this 6th day of September, 1886, now at this time W. Clark, Esq., being present in court, waives service of notice.

On the 7th day of September, 1886, was filed the following notice and return:—  
IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF ALASKA,  
UNITED STATES OF AMERICA.

*The United States of America vs. the Schooner "Thornton."*

To Hans Guttormsen greeting: you are notified that by order of Lafayette Dawson, Judge of the said District Court, the depositions of C. A. Abbey, J. C. Cantwell, J. U. Rhodes, and J. H. Douglas will be taken before the clerk of the said District Court at his office in Sitka in said district on Tuesday, the 7th September, 1886, at 7 o'clock, p.m., or as soon thereafter as the matter can be reached, and if not completed on said evening, the taking of said depositions will be continued by said clerk from time to time until completed.

Dated the 7th September, 1886.

ANDREW T. LEWIS, *Clerk.*

United States of America, District of Alaska, ss.

This is to certify that on the 7th day of September, 1886, before 12 o'clock noon of that day, I served the annexed notice on the within-named Hans Guttormsen, at Sitka, District of Alaska, by then and there personally delivering to the said Hans Guttormsen, copy of said notice; and then and there gave him the privilege of being present at the taking of said depositions.

Dated the 9th of September, 1886.

BARTON ATKINS, *United States Marshal.*

On the 10th September, 1886, were filed the following depositions:—

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF ALASKA,  
UNITED STATES OF AMERICA.

*The United States vs. the Schooner "Thornton," No. 50.*

Depositions of witnesses sworn and examined before me on the 7th day of September, 1886, at 7 o'clock p.m. of said day, and on the 8th and 9th September, 1886, thereafter, at the clerk's office of said court in Sitka, district of Alaska, United States of America, by virtue and in pursuance of the order of the said court, made and entered in the above entitled action on the 6th September, 1886, directing that the testimony and depositions of said witnesses be taken before me at said first-mentioned time and place, and at such subsequent times as the taking of the same might be continued to by me, in said action then and there pending in said district court between the United States as plaintiff and the schooner "Thornton" as defendant, on behalf and at the instance of the said plaintiff the United States, and upon notice of the time and place of the taking of the said depositions served upon Hans Gutormsen, the captain of the said schooner, and in possession thereof at the time of seizure, and upon W. Clark, Esq., his attorney, the owners thereof being unknown and without the jurisdiction of this court.

Captain C. A. ABBEY, being duly sworn, deposes and says:—

Q. State your name and occupation. A. Captain C. A. Abbey, in the United States Revenue Marine Service, at present in command of the United States Revenue steamer "Corwin," on special duty in Alaskan waters, for the protection of the seal islands and of the Government interests in Alaska generally.

Q. What were you doing and what occurred on the 1st day of August last in the line of your duty? A. I was cruising in Behring Sea about 70 miles south-south-east from St. George Island, in about latitude                      and longitude                      I found the four boats of the British steam schooner "Thornton," of Victoria, British Columbia, engaged in killing fur seal. Each boat had in her from three to eight freshly killed seal, arms, and ammunition, rowers, and hunters, who stated that they belonged to the said schooner "Thornton," and were engaged in taking or killing fur seal. Some of them, if not all, were seen shooting at the fur seal which were swimming in their neighborhood. On this evidence, I caused the vessel to be seized by Lieutenant Cantwell, took her in tow, and proceeded with her to Oonalska, where I placed the vessel, cargo, tackle, furniture, and appurtenances in charge of Deputy United States Marshal Isaac Anderson, of Oonalska, the cargo of fur seals being stored in "Keuch," in one of the warehouses of the Alaska Commercial Company, and under seal. One boat of the "Thornton" was sent to Sitka by the schooner "San Diego," and placed in custody of the United States Marshal at Sitka. All of this property is now in the custody of the United States Marshal at Sitka, including her arms and ammunition, which I brought to Sitka on the "Corwin."

Q. Was this the vessel against which the libel of information is filed? A. It is.

Q. Did this all occur within the waters of Alaska and the territory of Alaska, and within the jurisdiction of this court? A. It did.

Q. Did this occur within the waters of the sea navigable for vessels of 10 tons burden or over? A. It did.

C. A. ABBEY.

Subscribed and sworn to before me this 9th day of September, A.D. 1886, after having been read over by me to deponent.

(Seal.)                      ANDREW T. LEWIS, Clerk,  
United States District Court.

Lieutenant JOHN C. CANTWELL, being duly sworn, deposes and says:—

Q. State your name, occupation and age? A. John C. Cantwell, Third Lieutenant United States Revenue Marine Service, at present on duty United States Revenue steamer "Corwin," and over the age of 21 years.



Q. Were you so on the 1st day of August last? A. I was.

Q. State what occurred on that day in the line of your duty. A. I saw a small boat on the port bow; we came up to her, and found she had about eight fur seal aboard. The men in the boat were armed with breech-loading rifles. In answer to the commanding officer, the men admitted they were killing fur seal. Shortly after we picked up a second boat, and then sighted the schooner "Thornton." There were dead seal in the second boat. I did not examine the other boats; I was sent on board the schooner, saw Hans Guttormsen apparently acting as captain, and Henry Norman as mate. I asked them what they were doing? The captain replied, "Catching seals." I signalled this to Captain Abbey, who directed me to seize her, which I did, and the "Corwin" took the schooner in tow. The fur seal in the boats were bleeding, and must have been killed within a few hours.

Q. How many men were on board of the "Thornton" at the time of seizure? A. About fifteen.

Q. Was this a reasonable number for ordinary purposes of commerce and navigation? A. It was an unusually large number for the size of the vessel.

Q. Do you recognize this paper? A. I do. It is the official inventory made by me of the furniture, tackle, and cargo of the schooner "Thornton" (inventory embraces the usual furniture, rigging, nautical instruments, boats and stores of a vessel of this class, with a cargo of 403 seal skins, 3 seal pup skins, and 1 hair seal skin, and they are receipted for by I. Anderson, Deputy United States Marshal, Oonalaska, the 14th August, 1886); the item 403 seal skins mentioned in the inventory are fur seal skins; this inventory gives a full and correct list of all the furniture, tackle, and cargo of said vessel, with the exception of the following: arms and ammunition, octant, and one chronometer. There is one boat belonging to the "Thornton" that was sent down on the "San Diego" and included in the inventory of the "San Diego." The "Thornton" had four boats.

JOHN C. CANTWELL, 3rd Lieutenant,  
*United States Revenue Marine.*

Subscribed and sworn to before me this 9th day of September, A. D. 1886, after having been read over by me to deponent.

(Seal.) ANDREW T. LEWIS, Clerk,  
*United States District Court.*

JOHN U. RHODES, being duly sworn, deposes and says:—

Q. State your name, age, and occupation? A. John U. Rhodes, over 21 years of age, and lieutenant in the United States Revenue Marine, and attached to the Revenue steamer "Corwin," and was so on the 1st August, 1886.

Q. State what happened on the last named day in connection with the schooner "Thornton?" A. I was on the "Corwin" at the time the "Thornton" was seized on that day. We first picked up a boat bearing the name "Thornton;" it had about eight dead fur seal in it, the men in the boat had breech-loading rifles; we afterwards picked up another boat, and then sighted the schooner "Thornton," and went on board, and was put in charge of her. We afterwards picked up two more boats; the men in the boats claimed that the boats belonged to the "Thornton," and were put on board of her. There were between fifteen and twenty dead fur seal on deck and one hair seal. These seals were most of them bleeding and evidently recently killed. The captain and several of the hunters said they had killed twenty-one, I think it was, fur seals that day, and would have got more if they had had more daylight and if the cutter had not come up.

Q. Do you recognize these papers? A. I do. This paper marked (Ex. "G") is the clearance paper of the schooner "Thornton" (this paper represents the British steam schooner "Thornton," Hans Guttormsen, master 22-30 tons, navigated with fifteen men, bound for the Pacific Ocean, Behring Sea, and Okhotsk Sea, on a hunting and fishing voyage, as having cleared from Victoria, British Columbia, the 15th May, 1886). This paper marked (Ex. "H") is her bill of health (issued

same date and place with clearance). I found these papers in the schooner "Thornton" at the time of seizure, and then took possession of them.

Q. What was the list of arms and ammunition found aboard the schooner "Thornton" at the time of seizure? A. Four rifles, 6 shot-guns, 867 shot-gun cartridges, 420 rifle gun cartridges, 108 lbs. powder, 1 keg powder partly filled, 2 bags bullets, 11 bags buck-shot, 5 boxes wads, 3½ boxes primers.

Q. What has become of these arms and ammunition? A. They were delivered to the United States Marshal at Sitka, and are now in his custody.

JOHN U. RHODES, *Lieutenant,*  
*United States Revenue Marine.*

Subscribed and sworn to before me this 8th day of September, A. D. 1886, after having been read over by me to the deponent.

(Seal.) ANDREW T. LEWIS, *Clerk,*  
*United States District Court.*

JOHN U. RHODES, being duly sworn, deposes and says:—

Q. State your name, age and occupation? A. John U. Rhodes, Lieutenant United States Revenue Marine, at present on duty on the United States Revenue steamer "Corwin," and over the age of 21 years.

Q. State what nautical instruments, if any, were seized on the schooner "Thornton" except such as are included in her general inventory? A. One chronometer, No. 1,374, made by Kessels, and one octant.

Q. What has become of this property? A. I turned it over to the United States Marshal at Sitka, and it is now in his custody.

JOHN U. RHODES.

Subscribed and sworn to before me this 9th day of September, A. D. 1886, after having been read over by me to deponent.

(Seal.) ANDREW T. LEWIS, *Clerk,*  
*United States District Court.*

J. H. DOUGLAS, being duly sworn, deposes and says:—

Q. State your name, age, and occupation? A. J. H. Douglas, am over the age of 21 years, am a pilot in the Revenue Marine Service of the United States, and have been so for the seven years last past. I am now and on the 1st August, 1886, was pilot on the revenue steamer "Corwin."

Q. State what occurred on the last-named day in connection with the schooner "Thornton"? A. We sighted a boat on our port bow and soon after saw another boat, steamed to the first boat and ordered her to come alongside, which she did. The name "Steamer Thornton" was on the stern of the boat. There were two or three men in the boat with arms, and six or eight dead fur seal, which had the appearance of having been lately killed. I asked the men what luck they had. One of them replied, "We have six or eight, but not as good as some days." We took possession of the boat and contents by order of Captain Abbey. We then picked up the second boat, finding it engaged in the same business, then we sighted a schooner drifting without sail or steam, which proved to be the steam-schooner "Thornton." On coming up with her, she was seized by order of Captain Abbey, and taken in tow. We then picked up two more boats belonging to the "Thornton," having dead fur seal on board. This was in Behring Sea, about 65 miles south-east from St. George's Island, and about 500 or 600 miles to the eastward of the western boundary line of Alaska Territory.

Q. State what experience you have had in the fur sealing business, and your knowledge of the habits of the fur seal?—A. I have been cruising for more than fifteen years off and on in Alaskan waters, always as an officer or pilot, and have visited the Pribiloff Islands, St. Paul and St. George, several hundred times, and am perfectly familiar with the sealing business as conducted on those islands, and understand the migrating habits of the fur seals. From about the first May to about the first

July of each year the fur seal is migrating north, and mostly through the Unimak and Akutan Passes to these islands for breeding purposes. They go to no other place in the known world except these islands and Copper Island for breeding purposes.

After the breeding season of about a month they begin to migrate south, and until November of each year are migrating south through Behring Sea. During this season, from May to November, the fur seal are plenty in the waters adjoining the Pribiloff Islands, and are migrating to and from these islands, and are at all times very plenty between Unimak Pass and said islands in a track about 30 miles wide, which seems to be their highway to and from said islands. The schooner "Thornton" and her boats when seized were directly on this track.

J. H. DOUGLAS.

Subscribed and sworn to before me this 8th day of September, A. D. 1886, after having been read over by me to deponent.

(Seal.)

ANDREW T. LEWIS, Clerk,  
United States District Court.

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF ALASKA,  
UNITED STATES OF AMERICA.

*The United States vs. the Schooner "Thornton," No. 50.*

Whereas, on the 6th day of September, 1886, the said District Court duly made and entered in the journal of said court an order in the above entitled action, directing that the testimony and depositions of the witnesses: C. A. Abbey, J. C. Cantwell, J. U. Rhodes and J. H. Douglas be taken before me, the clerk of said court, at the time or times and place, and upon such notice as was specified in said order.

Now, therefore, this is to certify:—That in pursuance of said order, on the 7th September, 1886, at 7 p. m., each and all of the above-named witnesses appeared before me at the clerk's office of said court at Sitka, District of Alaska, United States of America: that M. D. Ball, Esq., District Attorney of said Court and District, and W. H. Payson, Esq., appeared then and there on behalf of and as attorneys and proctors for the United States, the libellant herein; and W. Clark, Esq., then and there appeared on behalf of, and as attorney and proctor for the said schooner and her owners herein; and Hans Guttormsen then and there appeared in pursuance of notice served upon him.

That I was unable to complete the taking of said depositions on said 7th day of September, 1886, and I continued the taking thereof on the 8th and 9th September, 1886, and completed the same on said last-named day. That the said parties by their said attorneys and proctors then and there appeared, and were present on each of said last-named days, and at all times during the taking of said depositions. That each of said witnesses was first duly cautioned and sworn by me, then and there, that the evidence he should give in said action, should be the truth, the whole truth and nothing but the truth, and thereafter each of said witnesses was then and there examined before me, and I then and there took down the statement and testimony of each of said witnesses, and reduced the same to writing in his presence, and then and there read the same over to him, and he then and there, after the same had been so reduced to writing and read over to him, subscribed the same in my presence, and swore to the truth thereof.

That the foregoing depositions are the depositions of said witnesses then and there taken before me as aforesaid. That due notice of the taking of said depositions was given as required by said order.

In witness whereof I have hereunto set my hand and the seal of said District Court, this 9th day of September, 1886.

ANDREW T. LEWIS, Clerk, United States District Court in and for the District of Alaska, United States of America.

On the 20th day of September, 1886, was filed the following claim of master for owner:—

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA.

(In Admiralty.)

*In the matter of the Libel of Information against the Schooner "Thornton," her Tackle, Apparel, Furniture, and Cargo—Claim of Master for Owner.*

And now Hans Guttormsen, master of schooner "Thornton" intervening for the interest of J. D. Warren, of Victoria, British Columbia, the owner of the said schooner "Thornton," her tackle, apparel, furniture, and cargo, as set forth in the libel of information herein, appears before this honorable court and makes claim to the said schooner "Thornton," her tackle, apparel, furniture, and cargo, as set forth in the said libel of information, and as the same are attached by the marshal under process of this court at the instance of M. D. Ball, Esq., United States District Attorney for the District of Alaska.

And the said Hans Guttormsen avers that the said J. D. Warren was in possession of the said schooner at the time of the attachment thereof.

And that the said J. D. Warren above named is the true and *bond fide* owner of the said schooner, her tackle, apparel, cargo and furniture as seized by the said marshal as aforesaid and that no other person is the owner thereof. Wherefore he prays to defend accordingly.

HANS GUTTORMSEN.

Subscribed and sworn to before me this 18th day of September, A.D. 1886.

(Seal.) ANDREW T. LEWIS, *Clerk of United States*

*District Court for the District of Alaska.*

W. CLARK AND D. A. DINGLEY,

*Proctors for Claimant.*

On the same day was filed the following amended libel of information.

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT OF ALASKA,  
UNITED STATES OF AMERICA.

(August Special Term, 1886.)

To the Honorable LAFAYETTE DAWSON, Judge of said District Court :

The amended libel of information of M. D. Ball, Attorney for the United States, for the District of Alaska, who prosecutes on behalf of said United States and being present here in court in his own proper person, in the name and on behalf of the said United States, alleges and informs as follows, to wit : —

That C. A. Abbey, an officer in the Revenue Marine Service of the United States, duly commissioned by the President of the United States, in command of the United States Revenue cutter "Corwin," and on special duty in the waters of the District of Alaska heretofore, to wit on the 1st day of August, 1886, within the limits of Alaska Territory, and in the waters thereof, and within the Civil and Judicial District of Alaska, to wit—within the waters of that portion of Behring's Sea belonging to the United States and said district, or waters navigable from the sea by vessels of ten or more tons burden, seized the schooner "Thornton," her tackle, apparel, boats, cargo, and furniture, being the property of some person or persons unknown to said attorney. The said property is more particularly described as follows, to wit :—

One schooner "Thornton" of Victoria, British Columbia, four boats with oars, sails and gear ; carpenter's and caulking tools and materials : five tons of coal, ten yards of canvas, clock, chronometer, nautical instruments, provisions, sails and running gear, ropes, twine, lamps, oil, casks, buckets, engine and gear, twenty sacks salt, 403 fur seal skins, one hair seal skin, three pup seal skins, four rifles, six shot guns, and arms and ammunition for same and all other property found upon or appurtenant to said schooner.

That said C. A. Abbey was then and there duly commissioned and authorized by the proper Department of the United States to make said seizure.

That all of the said property was then and there seized as forfeited to the United States for the following causes :—

That the said vessel, her captain, officers and crew were then and there found engaged in killing fur seals within the limits of Alaska Territory and within the waters thereof, in violation of section 1956 of the Revised Statutes of the United States.

That all the said property, after being seized as aforesaid, was brought into the port of Oonalaska in the said territory, and delivered into the keeping of Isaac Anderson, a Deputy United States marshal of this district, with the exception of the said arms and ammunition, which latter were brought into the port of Sitka in said district and turned over to the United States marshal of this district, and all of said property is now within the Judicial District of Alaska, United States of America.

And the said M. D. Ball, Attorney as aforesaid, further informs and alleges:—

That on the 1st day of August, 1886, Henry Norman, and certain other persons whose names are to said United States attorney unknown, who where then and there engaged on board of the said schooner "Thornton" as seamen and seal hunters, did, under the direction and by the authority of Hans Guttormsen, then and there master of said schooner, engage in killing and did kill, in the Territory and District of Alaska, and in the waters thereof, to wit, twenty fur seals in violation of section 1,956 of the Revised Statutes of the United States, in such cases made and provided.

That the said 403 fur seal skins, three pup skins, one hair seal skin, and other goods so seized on board of said schooner "Thornton" constituted the cargo of said schooner at the time of the killing of said fur seals, and at the time of said seizure.

And said attorney saith that all and singular the premises were and are true and within the admiralty and maritime jurisdiction of the United States and of this honorable court, and that by reason thereof, and by force of the statutes in such cases made and provided, the aforementioned schooner, being a vessel of over twenty tons burden, and her said tackle, apparel, boats, cargo and furniture, became and are forfeited to the use of the United States.

Wherefore the said attorney prays that the usual process and monition of this honorable court issue in his behalf against said schooner and all said hereinbefore described property to enforce the forfeiture thereof, and requiring notice to be given to all persons to appear and show cause, on the return day of said process why said forfeiture should not be decreed; and that after due proceedings are had, all of said property be adjudged, decreed, and condemned as forfeited to the use of the United States; and for such other relief as may be proper in the premises.

Dated the 20th September, 1886.

M. D. BALL,

*United States District Attorney for the District of Alaska.*

On the same day was filed the following demurrer:—

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA.

*United States vs. J. D. Warren, and Schooner "Thornton."—Demurrer.*

The demurrer of J. D. Warren, claimant of the property proceeded against in the above cause to the information filed herein.

1. The said claimant by protestation, not confessing all or any of the matters in said amended information contained to be true, demurs thereto and says that the said matters in manner and form, as the same are in the information stated and set forth, are not sufficient in law for the United States to have and maintain their said action for the forfeiture of the property aforesaid.

2. The said claimant by protestation denies that this court has jurisdiction to determine or try the question hereby put in issue.

3. And that the said claimant is not bound in law to answer the same.

Wherefore claimant prays that said information may be dismissed with costs.

W. CLARK AND D. A. DINGLEY,  
*Proctors for Claimant.*

Which demurrer was overruled by the court, and on the same day was filed the following answer :—

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA.

*United States vs. J. D. Warren and Schooner "Thornton."*—Answer of Claimant.

The answer of J. D. Warren, owner and claimant of the said schooner "Thornton," her tackle, apparel, cargo, and furniture, as the same are set forth in the information filed herein in behalf of the United States.

And now comes J. D. Warren, claimant as aforesaid and for answer to the said information against the said schooner "Thornton," her tackle, apparel, furniture and cargo, as set forth in said information says that the said schooner "Thornton," her tackle, apparel, furniture, and cargo as set forth in the information mentioned, did not nor did any part thereof become forfeited in manner and form as in said information in that behalf alleged, or at all.

Wherefore, the said claimant prays that said information be dismissed with costs of this claimant attached.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimant.*

On the 22nd September, 1886, were filed the following exceptions to answer :—

UNITED STATES DISTRICT COURT, DISTRICT OF ALASKA, UNITED STATES OF AMERICA.

*United States of America v. the Schooner "Thornton."*—No. 50.

The said libellant hereby excepts to the sufficiency of the defendant's answer herein, on the following grounds :—

1. Said answer is not properly or at all verified as required by rule 27 of the United States Admiralty rules;
2. Said answer is not full, explicit or distinct to each or any allegation of the libel herein, as required by said rule;
3. Said answer does not deny or admit any of the allegations of fact in said libel but merely denies a conclusion of law.

M. D. BALL AND W. H. PAYSON, *Proctors for Libellant.*

21st September, 1886.

Which exceptions were sustained by the court, and on the same day was filed the following amended answer :—

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA.

*United States vs. J. D. Warren and Schooner "Thornton."*—Amended Answer.

To the Honorable LAFAYETTE DAWSON,

Judge of the United States District Court for the District of Alaska.

Hans Guttormsen, master of the schooner "Thornton," intervening for the interest of and in behalf of J. D. Warren, owner and claimant of said schooner "Thornton," her tackle, apparel, furniture and cargo for amended answer to the libel of information herein, against said schooner, her tackle, apparel, furniture and cargo, alleges as follows :—

1. That he denies each and every material allegation in said libel of information contained;
2. Denies that the said schooner "Thornton," her tackle, apparel, furniture, cargo, and the property appertaining thereto, as set forth and described in said libel of information or any part thereof became forfeited to the United States;
3. Denies that said schooner, her captain, officers, and crew, or any one of them were found engaged in killing fur-seal within the limits of Alaska Territory, and within the waters thereof, in violation of section 1,956 of the Revised Statutes of the United States, as set forth in said libel of information or at all;
4. Denies that they killed any number of fur-seal, or other fur-bearing animals, within the waters of Alaska, or the Territory of Alaska, or in any part thereof;

5. That all and singular the premises herein are true.

Wherefore said master prays that this honorable court will be pleased to pronounce against the libel herein and that the same may be dismissed with costs to the claimants to be taxed.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimant.*  
United States District of Alaska, ss.

Hans Guttormsen, being first duly sworn, says he is master of the schooner "Thornton," that he has heard read the foregoing answer, and knows the contents thereof, and that the same is true of his own personal knowledge.

H. GUTTORMSEN.

Subscribed and sworn to before me this 22nd day of September, A.D. 1886.

ANDREW T. LEWIS,  
*Clerk of the United States District Court for the District of Alaska.*

On the 4th day of October, 1886, the motion cited p. 54 was returned with the following indorsement:—

Sitka, District of Alaska, ss.

Be it remembered, that, in obedience to the annexed monition, I have attached the within-described property and now hold the same in my possession subject to the order of this honorable court;

And I have given due notice to all persons claiming said property to be and appear before this District Court on the 4th day of October, 1886, at 10 o'clock a.m., if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to make their claims and allegations in that behalf:—

And I have caused said notice to be published, and the same has been published in the *Alaskan*, a newspaper published at Sitka in said district, on the 4th day of September, 1886, and in each issue of said newspaper subsequent thereto, until 4th day of October, 1886.

BARTON ATKINS, *Marshal, District of Alaska.*

SITKA, ALASKA, 4th October, 1886.

On the same day was filed the following decree:—

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF ALASKA,  
UNITED STATES OF AMERICA.

*United States vs. the Schooner "Thornton."*—No. 50.

The marshal having returned on the monition issued to him in the above entitled action that, in obedience thereto, he has attached the said schooner "Thornton," her tackle, apparel, boats, cargo and furniture, and has given due notice to all persons claiming the same to appear before this court on this 4th day of October, 1886, at 10 o'clock, a.m., at the District of Alaska, United States of America, then and there to interpose their claims and make their allegations in that behalf; and Hans Guttormsen, the captain of said vessel having heretofore filed a claim to all of said property on behalf of J. D. Warren, of Victoria, British Columbia, the owner thereof, and no other person having appeared, and no claims or allegations having been made or filed herein by any other person or persons, and the usual proclamation having been made, and said cause having been heard upon the pleadings and proofs, M. D. Ball, Esq., and W. H. Payson, Esq., appearing as advocates for said libellant, and W. Clark as advocate for said claimant, and said cause having been submitted to the court for decision, and due deliberation being had in the premises, it is now ordered, sentenced, and decreed as follows:—

1. That all persons whatsoever other than said claimant be, and they are, hereby declared in contumacy and default.

2. That the said schooner "Thornton," her tackle, apparel, boats, and furniture, and her cargo of 403 fur seal skins, and all other property found upon and appurtenant to said schooner, be, and are hereby condemned as forfeited to the use of the United States.

3. That unless an appeal be taken to this decree, within the time limited, and prescribed by law, and the rules of this court, the usual writ of *venditioni exponas* be issued to the marshal, commanding him to sell all of the said property and bring the proceeds into this court to be distributed according to law. Costs to be taxed are awarded against said claimant.

Dated October 4, 1886.

LAFAYETTE DAWSON, *District Judge.*

Done in open court, this 4th day of October, 1886, at Sitka, District of Alaska, United States of America.

, *Clerk.*

On the same day was filed the following motion to set aside Decree:—

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA.

*United States vs. J. D. Warren and Schooner "Thornton."*—*Motion to set aside Decree.*

Now come W. Clark and D. A. Dingley, proctors intervening for and in behalf of the claimants herein, and moves the court to set aside the decree rendered herein for the reason that the evidence produced on behalf of the United States is wholly insufficient upon which to base said decree.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimant.*

Which motion was over-ruled by the court, and on the same day was filed the following notice of appeal:—

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA.

*United States vs. J. D. Warren and Schooner "Thornton."*—*Notice of Appeal.*

And now come W. Clark and D. A. Dingley, proctors for and in behalf of the claimant herein, and notifies this honourable court that they hereby appeal from the decree rendered herein to the Circuit Court having appellate jurisdiction over this district, and that said appeal is taken on questions of law and fact, and prays the court for an order on its clerk to prepare a complete transcript of the record herein, as the law requires.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimant.*

On the 9th day of February, 1887, was entered the following order:—

*In the matter of the United States vs. Schooner "Onward," Case No. 49; Schooner "Thornton," Case No. 50; Schooner "Carolina," Case No. 51; Schooner "San Diego," Case No. 52; Arms and Ammunition Schooner "Sierra," No. 57; Arms and Ammunition Schooner "San Diego," No. 58.*

In the above causes, upon motion of the attorney for the United States and argument of counsel for the United States, and for the interveners in said causes, and consideration by the court, it is this day ordered that writs of *venditioni exponas* do issue from the clerk of said court to the marshal of said district, for the sale of the attached vessels, with their tackle, cargoes, and furniture, of whatever description, and of the arms and ammunition attached in said causes.

And as to the said attached vessels, that the sale of the same (except the schooner "San Diego," which shall be sold at Sitka) shall be made at Port Townsend, in the District of Washington Territory, and as to the seal skins, part of the cargoes of said vessels attached, that sale of the same shall be made at San Francisco, in the District of California, and that sale of said schooner "San Diego," and all the other attached property be made at Sitka, in the District of Alaska. Thirty days' notice of such sale



to be given at each of the places where the same are to be made, by posting such notice, or by publication in some newspaper published at such places respectively.

And that said marshal do have the moneys arising from such sales, together with the writ commanding the same, at a District Court of the United States for this, the said District of Alaska, to be held on the first Monday in September, 1887, and that he then pay the same to the clerk of said court.

CLERK'S OFFICE, UNITED STATES DISTRICT COURT, DISTRICT OF ALASKA,  
SITKA, 10th March, 1887.

I, Andrew T. Lewis, clerk of the said court, do certify that the foregoing transcript of the record in the case of the United States *vs.* the schooner "Thornton," her tackle, apparel, &c., on libel of information, pending in said court, has been compared by me with the original, and that it is a correct transcript therefrom and of the whole of such original, except the full text of the exhibits referred to in the testimony therein, the purport of which only is stated, and that the purport of said exhibit is correctly stated, as the same appears of record at my office and in my custody.

Witness my hand and the seal of said court, this 10th day of March, 1887.

(Seal.) ANDREW T. LEWIS, *Clerk.*

No. 325.

*Lord Lansdowne to Sir Henry Holland.*

19th August, 1887.

SIR,—I have the honor to enclose herewith for your information copies of a report received by my Minister of Marine and Fisheries from the Collector of Customs at Victoria, B.C., dated 9th instant, in regard to the seizure of the sealers "Grace Dolphin" and "W. P. Sayward," by United States Revenue Cutter "Richard Rush."

I beg to call your special attention to the deposition, enclosed in Mr. Hamley's report, of Captain Laing, of the "W. P. Sayward." You will observe that Captain Laing states particularly that the seals of which the skins were found on board his vessel were not taken in the Behring Sea.

It is scarcely necessary to dwell upon the grievous hardships occasioned by these seizures, for which, as far I am aware, no justification has yet been forthcoming, not only to the owners and to the officers and crews but to the Indian hunters on board, who were, it appears, "left to find their way home as they could" from Sitka to their own villages, distant about 700 miles from that place.

LANSDOWNE.

[Enclosure No. 1.]

CUSTOM HOUSE, VICTORIA, B.C., 9th August, 1887.

SIR,—On the 5th instant I sent you word by telegram that three more Canadian vessels had been seized in Behring Sea and sent to Sitka: "Grace," "Dolphin" and "W. P. Sayward." This news reached us by the steamer "Olympian," and the day following the mate of the "W. P. Sayward," one of the seized vessels, came down on the steamer "Idaho." I had him here at the custom house and his statements in some particulars were so important that I thought it desirable that it should be taken down before a notary public and the deposition forwarded to you. I enclose it herewith. The seizure was made on the 9th July by the master of the revenue cutter "Rush" in Behring Sea, from 30 to 40 miles from any land. The skins, 479 in number, all taken, he says, in the Pacific, were lodged in the Alaska Company's warehouse at Oonalaska and the vessel herself sent to Sitka. There is no doubt now, from the declaration of the master of the United States revenue cutter made

openly on the deck of the "W. P. Sayward" that, in seizing this and the other Canadian vessels he was acting under direct instructions from the United States Government.

I forward also the information laid in the District Court at Sitka by the United States Attorney Ball against the master and mate of the "W. P. Sayward." The indictments against the masters and mates of the other vessels are in the same forms and terms, the complaint being that they had killed fur seals in Behring Sea contrary to the statutes of the United States, and against the peace and dignity of the United States of America.

The case is to be heard in the District Court at Sitka on the 22nd of this month. The mate of the "W. P. Sayward" was allowed out on bail in \$500, and returned last night for the trial.

I have the honor to be, sir, your obedient servant,

W. HAMLEY.

Hon. GEO. E. FOSTER, Minister of Marine and Fisheries.

[Enclosure No. 2.]

I, Andrew Laing, of Victoria, mate of the British schooner "W. P. Sayward," do solemnly and sincerely declare that I left Victoria, B.C., in the schooner "W. P. Sayward," on the 16th day of May, 1887, bound on a sealing voyage with a crew of seven men and sixteen Indian hunters with eight canoes. We commenced sealing off Cape Scott on the north of Vancouver Island, and killed 479 fur seals in the Pacific Ocean and entered the Behring Sea on the 2nd of July, 1887, passing between Unimak Island and the Island of the Four Mountains. The weather was very thick and foggy, and we did no sealing in Behring Sea in consequence. On the 9th July we were captured by the United States steamer "Richard Rush," being then from thirty to forty miles off the nearest land. We were taken to Oonalaska, where we arrived on the 10th July, and they laid us alongside the steamer "St. Paul," belonging to the Alaska Commercial Company. They removed the seal skins and took them ashore to the wharf and put them in the company's warehouse, and they resalted the skins with salt taken from our vessel. They put an officer from the "Rush" on board and towed us out to sea and told us to go to Sitka. We arrived there on the 22nd July and on the next day an investigation was held before Judge Dawson, who bound us over to appear on the 22nd August for trial. The vessel was left in charge of the United States officers, and we were only allowed to remove our clothing. The Indians were left to find their way home as they could; they were about 700 miles from their villages.

I further say that when we were taken I spoke to the captain of the "Rush" and told him we had not taken a seal in Behring Sea; he replied that, "I am sorry for you, I have to obey orders and take everything I come across in Behring Sea."

And I make this solemn declaration by virtue of the Act passed in the 37th year of Her Majesty's reign, intituled: "An Act for the suppression of voluntary and extra judicial oaths."

A. LAING.

Taken and declared before me at Victoria, }  
B.C., this 8th day of August, 1887.

M. W. TRYWHITE DRAKE, *Notary Public*.

[Enclosure No. 3.]

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF ALASKA.  
THE UNITED STATES

vs.

GEORGE R. FERRY AND A. LAING. }

Information.

*District of Alaska, s.s.*

George R. Ferry and A. Laing are accused by M. D. Ball, United States district attorney for Alaska, by this Information, of the crime of killing fur seals within the waters of Alaska Territory—committed as follows:—

The said George R. Ferry and A. Laing, on the 8th day of July, A.D. 1887, in the District of Alaska, and within the jurisdiction of this court, to wit, in the Behring Sea, within the waters of Alaska Territory, did kill ten fur seals, contrary to the statutes of the United States in such cases made and provided, and against the peace and dignity of the United States of America.

Dated at Sitka the 23rd day of July, 1887.

DISTRICT OF ALASKA, s.s.

I, M. D. Ball, United States district attorney for Alaska, being duly sworn, say the within information is true, as I verily believe.

M. D. BALL.

Subscribed and sworn to before me this 23rd day of July, A.D. 1887.

H. E. HAYDON, *Clerk.*

By A. A. MEYER, *Deputy Clerk.*

[L.S.]

I certify that the within is a true copy of the information filed in the cause.

H. E. HAYDON,  
*Clerk.*

By A. A. MEYER,  
*Deputy Clerk.*

Personally appeared before me, Montague W. Tyrwhitt Drake, notary public, duly authorized, admitted and sworn, residing and practising in Victoria, B.C., Andrew Laing, mate of the British schooner "W. P. Sayward," who stated that the above written information was served upon him by Mr. M. D. Ball, on the 23rd July, 1887.

M. W. TYRWHITT DRAKE, *Notary Public.*

[L.S.]

No. 66.

*Sir L. S. Sackville West to Lord Lansdowne.*

WASHINGTON, 23rd August, 1887.

MY LORD,—With reference to Your Excellency's telegram of the 8th instant, I have the honor to inclose herewith for the information of Your Excellency's Government, copies of the reports of Captain Shepard of the United States cruiser "Rush," respecting the seizure of the British sealing vessels "Anna Beck," "Sayward," "Dolphin," and "Grace."

I have, &c.,

L. S. SACKVILLE WEST.

His Excellency the Marquis of Lansdowne, G.C.M.G., &c., &c.

[Enclosure No. 1.]

*Mr. Fairchild to Mr. Bayard.*

TREASURY DEPARTMENT, 19th August, 1887.

SIR,—I have the honor to acknowledge the receipt of your letter of the 13th instant, in which you refer to information received through the British Minister as to the recent seizures by United States cruisers of three British Columbian sealing schooners in Behring's Sea, and request such information as this Department possesses or can obtain from its agents, relative to said seizures, and in reply thereto, I enclose herewith copies of the reports of the captain of the revenue cutter "Rush," dated the 4th, 11th and 18th ult., reporting the seizures of the British steam schooner "Anna Beck" on the 2nd, the British steam schooner "W. P. Sayward" on the 9th, the British steam schooner "Dolphin" on the 12th, and the British steam schooner "Grace" on the 17th ultimo.

I am, &c.,

C. S. FAIRCHILD, *Secretary.*

The Honorable the Secretary of State, &c., &c., &c.

[Enclosure No. 2.]

*Captain Shepard, U. S. R. M., to Mr. Fairchild.*

UNITED STATES REVENUE MARINE STEAMER "RUSH,"

OUNALASKA, A. T., 4th July, 1887.

SIR,—I have the honor to report to the department the seizure on 30th June of the schooner "Challenge," of Seattle, Washington Territory, H. B. Jones, master, and Albert Douglas, of Seattle, W. T., President of the Douglas Fur Company, "managing owner," for violations of section 1,961 R. S., they having skins of female fur seals and skins of unborn seal on board, which latter the captain and mate admitted were taken from the female seal killed by themselves or the crew of the vessel.

The "Challenge" when found was anchored at Akantan Island, Alaska. I took her in tow of the "Rush" and proceeded to Ounalaska and delivered her skins, 151 in number, to the United States deputy marshal at this place, and have taken her arms and ammunition on board the "Rush" for safe keeping.

The crew, consisting of fifteen men all told, were shipped at Port Townsend, W. T., by H. Bash, United States shipping commissioner, and were found present, excepting W. Couratz, of Germany, seaman, whom Captain Jones reports was taken sick and sent ashore at Goose Island, British Columbia, and "Hines," an Indian of British Columbia, was shipped in his stead at that place.

On 2nd July, in lat. 54° 58' 00" N., and long. 157° 26' 00" W., Cape Cheerful, Ounalaska Island, bearing S. E.  $\frac{1}{4}$  E. 66 miles, I boarded and examined the British steamer schooner "Anna Beck," of Victoria, B. C., Louis Olsen, master, Joe Bosquit, of Victoria, B. C., managing owner, on a sealing voyage, and having about 334 seal skins on board, 19 of which the captain admitted were taken in Behring Sea. His boats had recently been taken out of the water and considerable fresh seal blood and gurry were found on deck, indicating that seal had been skinned and dressed on board that day. I seized the vessel for violation of section 1,956 R. S., took her in tow and proceeded to Ounalaska.

This vessel was seen on 30th June in nearly the same position as when we found her, by Capt. Page of the steamer "Dora," with several boats out hunting seal.

I found on board a crew of 19 men all told (7 white and 12 Indians), and the captain reported that on 30th June two boats containing two Indians each were lost in the fog and could not be found, in addition to the above number.

I have delivered the "Anna Beck" with outfit and 334 seal skins to the United States deputy marshal at Ounalaska. No arms or ammunition were found on board.

As the officers of these vessels have to be taken before the United States District Court at Sitka for trial, to which place there is no established mode of conveyance from here, I have placed the officers and crews of both vessels on board the schooner "Challenge" and despatched Benjamin Lorenyen, one of the crew of this vessel, duly qualified as a Deputy United States marshal, in charge, to Sitka, with instructions, on his arrival at that place, to deliver the vessel, captains and mates to the United States marshal and to set the crews at liberty, Lorenyen to remain at Sitka until the arrival of the "Rush" at the end of the season.

I am, &amp;c.,

L. G. SHEPARD, *Captain U. S. R. M.*

The Honorable C. S. FAIRCHILD, Secretary of the Treasury.

[Enclosure No. 3.]

*Captain Shepard, U. S. R. M., to Mr. Fairchild.*

U. S. REVENUE MARINE STEAMER "RUSH,"

OUNALASKA, ALASKA, 11th July, 1887.

SIR,—I have the honor to inform the department that on 9th July, in the Behring Sea, lat. 54° 43' N., long. 167° 51' W., Cape Cheerful, Ounalaska Island,

bearing S. E true 59 miles distant, I boarded and examined the British schooner "W. P. Sayward," 59.79 tons register, of Victoria, B. C., Geo. B. Ferry, master, and W. D. Warren, of Victoria, B. C., managing owner, and found her to be on a sealing voyage; had been four days in the Behring Sea.

The captain reported 485 seal skins on board, 64 of which were taken in the Behring Sea; found the vessel under short sail and one canoe and two Indians out hunting seal.

Her crew consisted of six white men all told, and 17 Indians from British Columbia, and two Indians belonging to the crew of the British schooner "Anna Beck," who had lost that vessel in a fog. I took charge of the vessel's papers and seized her for violation of sec. 1,956 R. S., took her in tow and proceeded to Ounalaska, arriving at midnight.

I have delivered the 485 seal skins found on board to the U. S. deputy marshal at this place, and will send the vessel and her crew to Sitka, Alaska, in charge of one of the crew of this vessel, duly qualified as a U. S. deputy marshal, with instructions to deliver the vessel with her outfit, the captain and mate, to the U. S. marshal at Sitka, on arrival at that port, and to set the crew at liberty.

I am, &c.,

L. G. SHEPARD, *Captain U. S. R. M.*

[Enclosure No. 4.]

*Captain Shepard, U. S. R. M., to Mr. Fairchild.*

UNITED STATES REVENUE MARINE STEAMER "RUSH,"

OUNALASKA, ALASKA, 18th July, 1887.

SIR,—I have the honor to inform the department that on 12th July, in the Behring Sea, lat. 51° 38' N., long. 157° 03' W., Cape Cheerful, Ounalaska Island, bearing S. E.  $\frac{1}{2}$  S., 40 miles distant, I boarded and examined the British steam schooner "Dolphin," 60.10 tons register, of Victoria, B. C., J. D. Warren, master and managing owner, and found her to be on a sealing voyage. The vessel had been three days in the Behring Sea and had 618 seal skins on board. Ten canoes and one boat were out hunting seal at the time.

From the canoes 12 or more dead seal were taken on board the schooner while we were near her, and three skins from seal recently killed were found in the boat. Seized the vessel for violation of section 1,956 R. S., and transferred her arms and ammunition on board the "Rush," namely, 4 breech-loading rifles, 26 breech-loading shot-guns, 10 muzzle-loading shot-guns, 1 bomb gun, 4 revolvers, 3,404 rounds ammunition for breech-loading rifles, 250 rounds ammunition for shot-guns, 4 kegs powder, 50 lbs. shot, and other small ammunition. Seized the 4 breech-loading rifles and ammunition for same for violation of sec. 1,955 R. S., and sec. 4, Executive Order, paragraph 53, dated 4th May, 1887. I placed Lieutenant Dunwoody in charge, with instructions to take her into Ounalaska, where she arrived the following day. The crew consisted of 7 white men and 26 Indians from British Columbia.

On July 17th, in the Behring Sea, lat. 55°, 03' N., long. 168°, 40' W., Cape Cheerful, Ounalaska Island, bearing S. E.  $\frac{1}{2}$  E., 96 miles distant, I boarded and examined the British steam schooner "Grace," 76.87 tons register, of Victoria, B. C., Wm. Petit, master, and J. D. Warren, of Victoria, B. C., managing owner, and found her to be on a sealing voyage; had been ten days in the Behring Sea, and had 769 seal skins on board. When boarded she had 12 canoes and one boat out hunting seal. Saw one seal shot and taken into the boat while we were near her. Counted 12 seal taken on board the schooner from one canoe, and all the canoes contained more or less seal recently killed. The captain reported taking 90 seal during the day, and 150 the day previous. Seized the vessel for violation of section 1,956 R. S., and 2 breech-loading rifles and ammunition for same for violation of section 1,955 R. S., and section 4, Executive Order, paragraph 53, dated 4th May, 1887.

The crew consisted of 6 white men, 24 Indians and 1 Chinaman. Placed Lieut. Benham in charge, and after waiting seven hours for her canoes to return, some of

which had been a long distance from the vessel, took her in tow and proceeded, to Unalaska arriving at 9.30 this a.m.

I have delivered the seal skins from these vessels to the United States deputy marshal at this place and will send the vessels in charge of men from this vessel duly qualified as United States deputy marshals to Sitka to be delivered to the United States marshal for the District of Alaska.

By request of Captain J. D. Warren, of the "Dolphin," managing owner of the schooner "Anna Beck" (seized 2nd July, as previously reported), I will send her to Sitka in like manner.

Also, on 16th July, in the Behring Sea, lat. 55° 46' N., long. 170° 38' W., Delnoi Point, St. George Island, showing N. 30 E., 63 miles distant, I boarded and examined the schooner "Lily L." 63.42 tons register, of San Francisco, California, J. W. Todd, master, and C. D. Ladd, of San Francisco, managing owner, and found her to be on a sealing voyage; at the time had three boats out, one of which on returning to the vessel contained two seal recently killed. Captain Todd and Mr. Ladd representing the owner, admitted they came into these waters for the purpose and had taken seal in the Behring Sea and claimed a right to do so anywhere outside the 2-mile limit from the shore.

I seized the vessel for violation of section 1,956, Revised Statutes. There being only two commissioned officers on board this vessel I placed boatswain Winslow on board the schooner to represent the United States and instructed her captain to take her into Unalaska, which he agreed to do, there being too much sea running at the time to undertake to tow her to that place. On her arrival I will make further report to the department.

I am, &c.,

L. G. SHEPARD, *Captain.*

No. 338.

*Lord Lansdowne to Sir H. T. Holland.*

QUEBEC, 27th August, 1887.

SIR,—With reference to my despatch, No. 325, of the 19th instant in regard to the seizure of the sealers "Grace," "Dolphin," and "W. P. Sayward," by the U. S. revenue cutter "Richard Rush," I have the honor to forward herewith copy of an approved Minute of the Privy Council of Canada, dated 23rd inst., to which are appended copies of the following documents:—

- |                              |                                                                                                                                              |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Enclosure No. 1<br>of No. 9. | 1. A letter from W. Hamley, Collector of Customs at Victoria, B.C., to the Minister of Marine and Fisheries.                                 |
| Enclosure No. 2<br>of No. 9. | 2. The affidavit of Andrew Laing, mate of the seized schooner "Sayward," sworn to at Victoria on the 8th August, 1887.                       |
| Enclosure No. 3<br>of No. 9. | 3. The information filed in the District Court of the United States for the District of Alaska against the master and mate of the "Sayward." |

It is requested that these papers, copies of which were enclosed in my despatch above mentioned may be transmitted to the Foreign Office in order that a remonstrance may be addressed to the U. S. Government against the unwarrantable action of the commander of the "Rush," and a claim made for all damages arising from the seizure of the "Sayward" and the detention of her officers and crew.

I have, &c.,

LANSDOWNE.

SIR H. HOLLAND.

[Enclosure No. 1.]

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 23rd August, 1887.*

On a report, dated 17th August 1887, from the Minister of Marine and Fisheries, submitting with reference to the seizure by the United States steamer

"Richard Rush," on the 5th July last, in the Behring Sea, of the British schooner "W. P. Sayward," of Victoria, the following papers:—

- Enclosure No. 1      1. A letter from W. Hamley, Collector of Customs at Victoria, of No. 9.      B.C., to the Minister of Marine and Fisheries.
- Enclosure No. 2      2. The affidavit of Andrew Laing, mate of the seized schooner, of No. 9.      sworn to at Victoria, on the 8th August, 1887, and,
- Enclosure No. 3      3. The information filed in the district court of the United States of No. 9.      for the District of Alaska against the master and mate of the "Sayward."

The Minister observes that upon reference to the affidavit of the mate of the schooner "Sayward," it appears that all the seals on board the vessel were taken in the Pacific Ocean, and before the vessel entered Behring Sea, so that even the alleged claim on the part of the United States Government to jurisdiction in the Behring Sea is not available in the case now complained of; and would also call attention to the reply of the commander of the United States steamer "Richard Rush," in which he states his orders were "to take everything he came across in the Behring Sea."

The Committee recommend that Your Excellency be moved to forward copies of the annexed papers to the Right Honorable the Principal Secretary of State for the Colonies, for transmission to the Foreign Office, in order that a remonstrance may be made to the United States Government for so unwarrantable an act as that committed by the commander of the "Richard Rush," and a claim made for all damages arising out of the seizure of the schooner "W. P. Sayward" in the open sea and the detention of officers and crew, and also that copies of the papers be sent to Her Majesty's Minister at Washington.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. McGEE, *Clerk of the Privy Council.*

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 1st September, 1887.

MY LORD,—I have the honor to transmit to you for communication to your Government with reference to previous correspondence, a copy of a despatch from Her Majesty's Minister at Washington, enclosing correspondence with the United States Secretary of State relative to the recent seizure of sealing vessels in Behring Sea, which has been received from the Foreign Office.

I have, &c.,

H. T. HOLLAND.

Governor General the Most Honorable the Marquis of Lansdowne, &c.

*Sir L. S. West to the Marquis of Salisbury.*

WASHINGTON, 15th August, 1887.

MY LORD,—In obedience to the instruction contained in Your Lordship's telegram, No. 31 of the 10th inst., I informed the Secretary of State that three British Columbian schooners had been seized in Behring Sea by United States cruisers a long distance from Sitka, and that several other vessels were in sight, being towed in. I also intimated to Mr. Bayard that in view of the assurances given in his note of the 3rd of February last, Her Majesty's Government had assumed that, pending the conclusion or discussions between the two Governments on general questions involved, no further seizures would be made by order of the United States Government. Copy of my note is herewith enclosed. I have likewise the honor to enclose to Your Lordship copy of a note which I have received in reply to the above communication, in which Mr. Bayard states that he can discover no ground whatever, from the expressions contained in his note referred to, for the assumption by Her Majesty's Government that it contained any such assurances, but that he will ascertain without delay whether the circumstances attendant upon the cases of the

seizures in question are the same as those which induced the executive to direct the release of the vessels mentioned in his note of 3rd February.

I have, &c.,

L. S. SACKVILLE WEST.

*Sir L. West to Mr. Bayard.*

WASHINGTON, 11th August, 1887.

SIR,—I have the honor to inform you that Her Majesty's Government have received a telegram from the commander-in-chief of Her Majesty's naval forces in the Pacific, dated Victoria, B.C., 7th August, reporting the seizure by United States cruisers of three British Columbia sealing schooners in Behring Sea a long distance from Sitka, and that several other vessels were in sight being towed in. In conveying this information to you, I am requested at the same time by the Marquis of Salisbury, to state that in view of the assurances given in your note of the 3rd of February last, Her Majesty's Government had assumed that pending the conclusion of discussions between the two Governments on general questions involved, no further seizures would be made by order of the United States Government.

I have, &c.,

L. S. S. WEST.

The Hon. T. F. BAYARD, &c., &c.

*Mr. Bayard to Sir L. S. S. West.*

WASHINGTON, 13th August, 1887.

SIR,—I have the honor to acknowledge the receipt of your note of the 11th instant received yesterday afternoon, informing me of a telegraphic communication from the commander-in-chief of Her Majesty's naval forces in the Pacific, dated at Victoria, British Columbia, 7th August, reporting the seizure of three British Columbian sealing schooners "in Behring Sea, a long distance from Sitka," and that "several other vessels were in sight being towed in."

The reference to my note to you of the 3rd of February last, which you make under the instruction of the Marquis of Salisbury, has caused me to examine the expressions contained therein, and I can discover no ground whatever for the assumption by Her Majesty's Government that it contained assurances "that pending the conclusion of discussions between the two Governments on general questions involved, no further seizures would be made by order of the United States Government."

Until your note of the 11th instant was received, I had no information of the seizure of the sealing vessels therein referred to, and have no knowledge whatever of the circumstances under which such seizures have been made.

I shall at once endeavor to supply myself with the information necessary to enable me to reply to you more fully.

The cases of seizure referred to in my note of 3rd February, 1887, had occurred during the previous August, and upon the basis of the information then obtained I wrote you as follows:

"In this connection I take occasion to inform you that, without conclusion at this time of any questions which may be found to be involved in these cases of seizure, orders have been issued by the President's direction for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith."

Having no reason to anticipate any other seizures, nothing was said in relation to the possibility of such an occurrence, nor do I find in our correspondence on the subject any grounds for such an understanding as you inform me had been assumed to exist by Her Majesty's Government.

A short time since when you called upon me and personally obtained copies of the record of the judicial proceedings in the three cases of seizure in August last in



Behring Sea, nothing was said in relation to other cases. Whether the circumstances attendant upon the cases which you now report to me are the same as those which induced the executive to direct the release referred to, remains hereafter to be ascertained, and this with as little delay as the circumstances will permit.

I have, &c.,

T. F. BAYARD.

Sir L. S. SACKVILLE WEST.

No. 308.

*Sir H. T. Holland to Lord Lansdowne.*

DOWNING STREET, 1st September, 1887.

MY LORD,—I have the honor to transmit to Your Lordship, for communication to your Ministers, with reference to previous correspondence, a copy of a letter from the Admiralty, with one from the Commander-in-Chief in the Pacific, respecting the capture of the sealing schooner "Anna Beck" by an American revenue vessel in Behring Sea.

I have, &c.,

H. T. HOLLAND.

Governor General the most Honorable the Marquis of Lansdowne, G.C.M.G., &c.

"TRIUMPH" AT ESQUIMALT, 5th August, 1887.

(EXTRACT).—I did not visit Sitka, thinking it as well whilst the Behring Sea sealing question is unsettled that I should not do so.

Since my return I hear that the "Anna Beck," a sealing schooner, has been seized by an American revenue vessel in Behring Sea, it is reported 60 miles north-east from St. George Island, but no reliable information as to the spot has yet reached me; as soon as it does I will forward particulars.

I have, &c.,

M. C. SEYMOUR, *Rear Admiral and Commander in Chief.*

The Secretary to the Admiralty.

[Enclosure No. 1.]

*Admiralty to Colonial Office.*

ADMIRALTY, 24th August, 1887.

(EXTRACT).—I am commanded by my Lords Commissioners of the Admiralty to transmit the accompanying extracts from a letter, dated 5th August, No. 127, from the Commander-in-Chief, Pacific, reporting the state of affairs at Metlakatla, and the seizure of a sealing schooner named the "Anna Beck" by an American revenue vessel in the Behring Sea.

I am, &c.,

R. D. AWDRY.

The Under Secretary of State, Colonial Office.

*Sir Henry Holland to Lord Lansdowne.*

DOWNING STREET, 14th September, 1887.

MY LORD,—With reference to previous correspondence, I have the honor to acquaint you for the information of your Ministers, that the Marquis of Salisbury caused to be referred to the law officers the correspondence which has passed respecting the seizure of the three British sealing vessels, the "Thornton," the "Carolina" and the "Onward" by the United States revenue cruiser "Corwin," in Behring Sea, and that they advised that a claim for compensation might properly be made against the United States Government.

I telegraphed to you on the 7th instant that it was proposed to prefer a claim for compensation against the United States Government, and enquiring what answer your Ministers would suggest, but as at present advised it does not seem to me desirable to put forward the claims which accompanied your despatch N o. 9 of the 15th of January, as some of them are apparently much exaggerated and a new issue would be raised as to the reasonableness of the claims.

In the meantime the Marquis of Salisbury has addressed the despatch, of which I enclose a copy, to Her Majesty's Minister at Washington, desiring him to communicate it to the Secretary of State.

Your Ministers will, no doubt, take this matter into consideration at the earliest moment.

I have, &c.,

H. T. HOLLAND.

Governor General the Most Honorable the Marquis of Lansdowne, &c., &c., &c.

[Enclosure No. 1.]

*The Marquis of Salisbury to Sir L. West.*

FOREIGN OFFICE, 10th September, 1887.

SIR,—By a despatch of the 30th October last (No. 214), the late Earl of Iddesleigh instructed you to call the attention of the United States Secretary of State to the circumstances of the seizure in Behring Sea, by the American cruiser "Corwin," of some British Canadian vessels; and his Lordship directed you to state to Mr. Secretary Bayard that Her Majesty's Government felt sure that if the proceedings which were reported to have taken place in the United States District Court were correctly described, the United States Government would admit their illegality, and would cause reasonable reparation to be made to the British subjects for the wrongs to which they had been subjected and for the losses which they had sustained.

By a previous despatch of the 9th September, you had been desired to ask to be furnished with any particulars which the United States Government might possess relative to the seizures in question; and on the 20th October you were instructed to enter a protest on behalf of Her Majesty's Government, and reserve for consideration hereafter all rights to compensation.

Nearly four months having elapsed without any definite information being furnished by the United States Government as to the grounds of the seizures, my predecessor instructed you, on the 8th June last, to express to Mr. Bayard the concern of Her Majesty's Government at the delay, and to urge the immediate attention of the United States Government to the action of the American authorities in their treatment of these vessels and of their masters and crews.

On the 3rd February Mr. Bayard informed you that the record of the judicial proceedings which he had called for was shortly expected to reach Washington, and that, without conclusion at that time of any questions which might be found to be involved in these cases of seizures, orders had been issued by the President's direction for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith.

On the 4th April, under instructions from me, you inquired of Mr. Bayard, in view of the approaching fishing season in Behring Sea, whether the owners of British vessels might rely when not near land on being unmolested by the cruisers of the United States, and you again asked when the record of the judicial proceedings might be expected.

Mr. Bayard informed you, in reply (12th April), that the papers referred to had reached him, and were being examined; that there had been unavoidable delay in framing appropriate regulations and issuing orders to the United States vessels to police the Alaskan waters; that the Revised Statutes relating to Alaska, Sections 1,956 and 1,971, contained the laws of the United States in relation to the matter; and that the regulations were being considered, and he would inform you at the

earliest day possible what had been decided, so that British and other vessels might govern themselves accordingly.

In view of the statements made by Mr. Bayard in his note of the 3rd February, to which I have referred above, Her Majesty's Government assumed that, pending a conclusion of the discussion between the two Governments on the general question involved, no further similar seizures of British vessels would be made by order of the United States Government. They learn, however, from the contents of Mr.

Enclosure Nos. 1 Bayard's note of the 13th August, inclosed in your despatch No. 245 of the 15th August, that such was not the meaning which he and 2 of No. 16. intended should be attached to his communication of the 3rd

February; and they deeply regret to find a proof of their misinterpretation of the intentions of the United States Government from an announcement recently received from the commander-in-chief of Her Majesty's naval forces in the Pacific, that several more British vessels engaged in seal hunting in Behring Sea have been seized when a long distance from land by an American revenue vessel.

Her Majesty's Government have carefully considered the transcript of record of the judicial proceedings in the United States District Court in the several cases of the schooners "Carolina," "Onward" and "Thornton," which were communicated to you in July, and were transmitted to me in your despatch No. 196 of the 12th of that month, and they cannot find in them any justification for the condemnation of those vessels.

The libels of information allege that they were seized for killing fur seal within the limits of Alaska Territory, and in the waters thereof, in violation of section 1,956 of the Revised Statutes of the United States; and the United States Naval Commander Abbey certainly affirmed that the vessels were seized within the waters of Alaska and the Territory of Alaska; but according to his own evidence they were seized 75, 115 and 70 miles respectively, south south-east of St. George's Island.

It is not disputed, therefore, that the seizures in question were effected at a distance from land far in excess of the limit of maritime jurisdiction which any nation can claim by international law, and it is hardly necessary to add that such limit cannot be enlarged by any municipal law.

The claim thus set up appears to be founded on the exceptional title said to have been conveyed to the United States by Russia at the time of the cession of the Alaska Territory. The pretension which the Russian Government at one time put forward to exclusive jurisdiction over the whole of Behring Sea was, however, never admitted either by this country or by the United States of America. On the contrary, it was strenuously resisted, as I shall presently show, and the American Government can hardly claim to have received from Russia rights which they declared to be inadmissible when asserted by the Russian Government. Nor does it appear from the text of the Treaty of 1867 that Russia either intended or purported to make any such grant; for, by article 1 of that instrument, Russia agreed to cede to the United States all the territory and dominion then possessed by Russia "on the continent of America and in the adjacent islands" within certain geographical limits described, and no mention was made of any exclusive right over the waters of Behring Sea.

Moreover, whatever rights as regards their respective subjects and citizens may be reciprocally conferred on the Russian and American Governments by treaty stipulation, the subjects of Her Majesty cannot be thereby affected, except by special arrangement with this country.

With regard to the exclusive claims advanced in times past by Russia, I transmit to you documents communicated to the United States Congress by President Monroe in 1822, which show the view taken by the American Government of these pretensions.

In 1821 the Emperor of Russia had issued an edict establishing "Rules for the limits of navigation and order of communication along the coast of the Eastern Siberia, the north-western coast of America, and the Aleutian, Kurile and other islands."

The first section of that edict said: "The pursuit of commerce, whaling and fishery, and of all other industry on all islands, ports, and gulfs, including the whole of the north-west coast of America, beginning from Behring Straits to the 51st degree of northern latitude; also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring Sea to the south cape of the Island of Arup, viz., to the 45° 50' of northern latitude, is exclusively granted to Russian subjects;" and section 2 stated: "It is, therefore, prohibited to all foreign vessels not only to land on the coast and islands belonging to Russia, as stated above, but also to approach them within less than 100 Italian miles. The transgressor's vessel is subject to confiscation, along with the whole cargo."

A copy of these regulations was officially communicated to the American Secretary of State by the Russian Minister at Washington, on the 11th February, 1822, whereupon Mr. Quincy Adams, on the 25th. of that month, after informing him that the President of the United States had seen with surprise the assertion of a territorial claim on the part of Russia, extending to the 51st degree of north latitude on the American continent, and a regulation interdicting to all commercial vessels other than Russian, upon the penalty of seizure and confiscation, the approach upon the high seas within 100 Italian miles of the shores to which that claim was made to apply, went on to say that it was expected before any Act which should define the boundary between the territories of the United States and Russia, that the same would have been arranged by treaty between the parties, and that "to exclude the vessels of American citizens from the shore *beyond the ordinary* distance to which territorial jurisdiction extends, has excited still greater surprise;" and Mr. Adams asked whether the Russian Minister was authorized to give explanations of the "grounds of right, upon principles generally recognized by the laws and usages of nations, which can warrant the claims and regulations."

The Russian Minister in his reply, dated the 28th February, after explaining how Russia had acquired her possessions in North America, said:—

"I ought in the last place to request you to consider, sir, that the Russian possessions in the Pacific Ocean extend on the north-west coast of America, from Behring Straits to the 51st° of north latitude, and on the opposite side of Asia and the islands adjacent from the same strait to the 45th°. The extent of sea of which these possessions form the limits comprehends all the conditions which are ordinarily attached to shut seas (*mers fermées*), and the Russian Government might consequently judge itself authorized to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners; but it preferred only asserting its essential rights without taking advantage of localities."

On the 30th March, Mr. Adams replied to the explanations given by the Russian Minister. He stated that, with respect to the pretension advanced in regard to territory, it must be considered not only with reference to the question of territorial rights, but also to that of prohibition to the vessels of other nations, including those of the United States, to approach within 100 Italian miles of the coasts; that from the period of the existence of the United States as an independent nation their vessels had freely navigated these seas, the right to navigate them being a part of that independence; and with regard to the suggestion that "the Russian Government might have justified the exercise of sovereignty over the Pacific Ocean as a close sea, because it claims territory both on its American and Asiatic shores, it may suffice to say that the distance from shore to shore on this sea in latitude 51° north is not less than ninety degrees of longitude or 4,000 miles." Mr. Adams concluded as follows: "The President is persuaded that the citizens of this Union will remain unmolested in the prosecution of their lawful commerce, and that no effect will be given to an interdiction manifestly incompatible with their rights."

The convention between the United States and Russia of the 17th April, 1824, put an end to any further pretension on the part of Russia to restrict navigation or fishing in Behring Sea, so far as American citizens were concerned; for by article I it was agreed that in any part of the Great Ocean, commonly called the Pacific Ocean or South Sea, the respective citizens or subjects of the high contract-

ing powers shall neither be disturbed nor restrained, either in navigation nor fishing, saving certain restrictions which are not material to the present issue; and a similar stipulation in the convention between this country and Russia in the following year (15th May, 1825), put an end, as regarded British subjects, to the pretensions of Russia, to which I have referred, and which had been entirely repudiated by Her Majesty's Government in correspondence with the Russian Government in 1821 and 1822, which for your more particular information I enclose herein.

Her Majesty's Government feel sure that in view of the considerations which I have set forth in this despatch, which you will communicate to Mr. Bayard, the Government of the United States will admit that the seizure and condemnation of these British vessels, and the imprisonment of their masters and crews, was not warranted by the circumstances, and that they will be ready to afford reasonable compensation to those who have suffered in consequence, and issue immediate instructions to their naval officers which will prevent a recurrence of these regrettable incidents.

I am, &c.,  
SALISBURY.

*Sir H. T. Holland to Lord Lansdowne.*

DOWNING STREET, 16th September, 1887.

My Lord,—I have the honor to transmit to you, for communication to Your Lordship's Ministers, copies of despatches from Her Majesty's Minister at Washington, respecting the seizure of British Columbian vessels in Behring Sea which have been received from the Foreign Office.

I have, &c.,

H. T. HOLLAND.

Governor General, the Most Honorable the Marquis of Lansdowne, G.C.M.G., &c.

[Enclosure No. 1.]

*Sir L. West to the Marquis of Salisbury.*

WASHINGTON, 20th August, 1887.

MY LORD,—It would appear from reports of Captain Shepard, of the United States revenue cutter "Rush," that the "Sayward" was captured 50 miles and the "Dolphin" 40 miles from Cape Cheerful, while the "Grace" was seized 95 miles from Ounalaska.

Cape Cheerful does not appear on any map or chart, but is supposed to be the northernmost point of the Island of Ounalaska.

The Islands of St. George and St. Paul (Pribilof Islands) are distant 180 miles from Ounalaska, so that at the time of the seizure of the "Grace" that vessel would have been 85 miles distant from them.

To reach the breeding grounds on the Islands of St. George and St. Paul, the seals pass regularly through the channel which separates the Island of Ounalaska from the Island of Akutan, and that which separates Akutan from the Island of Unimak, called respectively the Akutan and Unimak Passes, and it is here that the sealers lay in wait for them on their passage.

It is maintained that the capture of seals in this manner is in violation of section 1,956 of the Revised Statutes of the United States, and that ships so capturing them are within the limits of Alaska territory or in the waters thereof.

But, apart from the question of territorial limit and right to seize vessels in the open sea, it is argued by impartial persons that unless some arrangement is made for the protection of these valuable animals on their passage to the breeding grounds, the genus, as in the case of beaver, will gradually become extinct.

It is a known fact that few, if any, seals pass outside the Island of Ounalaska to their breeding grounds, which exist only on the Pribilof Islands, and that their passage is as regular as their breeding season.

I have, &c.,

L. S. S. WEST.

[Enclosure No. 2.]

*Sir L. West to the Marquis of Salisbury.*

WASHINGTON, 22nd August, 1887.

MY LORD,—Since writing my preceding despatch I have received privately from Mr. Bayard copies of the reports of Captain Shepard, alluded to therein, respecting the seizure of the British vessels "Anna Beck," "W. P. Sayward,"

Enclosures Nos. 1, 2, "Dolphin" and "Grace," copies of which I have the honor to  
3 and 4 of No. 10. enclose to Your Lordship herewith.

The State Department is not in possession of any further information.

I have, &amp;c.,

L. S. SACKVILLE WEST.

P. S.—I have communicated copies of Captain Shepard's reports to the Governor General of Canada.

L. S. S. W.

*Lord Lansdowne to Sir Henry Holland.*

(Telegram.)

23rd September, 1887.

I understand that after Mr. Bayard's announcement of the 3rd February respecting Behring Sea seizures instructions were sent in accordance with it to the Alaska authorities by telegraph that an instrument for the release of the vessels was thereupon issued by the district judge, but that subsequently, on the assumption that the telegram was forged, he rescinded the order; that no steps have been taken by the department since; the vessels are still detained. My Government trusts the facts will be enquired into.

No. 372.

*Lord Lansdowne to Sir H. T. Holland.*

QUEBEC, 26th September, 1887.

SIR,—In continuation of my despatch No. 333 of the 27th of August, and in reference to previous correspondence, I have the honor to enclose herewith  
No. 11. a copy of an approved Minute of the Privy Council of Canada, dated 21st of September, 1887, covering copies of a report of my Minister of Marine and Fisheries relating to the seizure and detention of the Canadian sealing schooner "Alfred Adams," and of other Canadian sealing vessels by the United States authorities in the Behring Sea.

The letter directed to the United States District Attorney at Sitka, marked "D" in the Minister's report, which came into the possession of my Government under the circumstances described in the declaration of Captain Dyer, of the "Alfred Adams," has been forwarded, together with copies of the papers, to Her Majesty's Minister at Washington.

The circumstances under which the "Adams" was seized do not differ materially from those attending previous seizures in the same waters. I have already laid before you the reasons which have led my Government to protest against the assumption that the statutes under which other seizures, and I presume this also, have been made. Statutes governing the conduct of persons fishing within "the territory of Alaska" or "in the waters thereof" [vide U. S. Revised Statutes, 1,955-1,956] are applicable to the whole of the waters of the Behring Sea; and in cases where, as in those under discussion, the vessels seized were found fishing at a great distance from the nearest land.

I trust that the earnest attention of Her Majesty's Government will be given to the statements contained in the Minister's report. No satisfactory explanation has yet been given of the action of the United States Government subsequent to Mr. Bayard's announcement of 3rd February, of the present year, when it was stated by

him to Her Majesty's Minister at Washington, that "orders had been issued by the President's direction for the discontinuance of all pending proceedings, the discharge of the vessels referred to and the release of all persons under arrest in connection therewith."

You will observe from Mr. Foster's recapitulation of the evidence which he has been able to collect and the documents attached to his report that an impression prevails upon the spot to the effect that orders such as those described by Sir L. West, were actually issued from Washington. There appears at all events to be some reason for believing that a telegram authorizing the release of the vessels then under detention was in fact received by the district judge, and that instructions were thereupon issued by him for the purpose of carrying out these orders. The circumstances under which those instructions are said to have been subsequently rescinded by the district judge have not unnaturally given rise to the gravest suspicion.

The Minister has called attention with great force in his report to the injury sustained by persons engaged in the sealing industry from the suspense and uncertainty in which they have been kept during the past year owing to the refusal of the United States Government to give any explicit assurances as to the treatment which they might expect at its hands.

I have, &c.,

LANSDOWNE.

The Right Honorable Sir H. HOLLAND, &c., &c. &c.

[Enclosure No. 1.]

**CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 21st September, 1887.**

The Committee of the Privy Council have had under consideration the annexed report of the Minister of Marine and Fisheries with reference to the seizure and detention of Canadian sealing vessels by the United States authorities in Behring Sea.

The Committee concur in the said report, and they advise that Your Excellency be moved to transmit a copy of this Minute and the annexed papers to the Right Honorable the Secretary of State for the Colonies.

All which is submitted for Your Excellency's approval.

JOHN J. MCGEE, *Clerk Privy Council.*

[Enclosure No. 2.]

OTTAWA, 15th September, 1887.

With reference to previous correspondence concerning the seizure and detention of Canadian sealing vessels by the United States authorities in Behring Sea, the Minister of Marine and Fisheries begs to submit for the consideration of His Excellency the Governor General in Council the following papers:—

(a.) A letter from Collector Hamley, of Victoria, B.C., dated 1st September, 1887, enclosing certain papers in reference to the seizure of the Canadian sealing schooner "Alfred Adams" in Behring Sea;

(b.) The declaration of William Henry Dyer, of Victoria, B.C., master of the Canadian schooner "Alfred Adams";

(c.) A certificate of seizure of the "Alfred Adams" signed by L. G. Shepard, captain of the United States revenue steamer "Rush";

(d.) A sealed and unopened letter directed to the United States district attorney and the United States marshal, Sitka, Alaska.

(e.) A letter from Collector Hamley, of Victoria, B.C., dated 26th July, relating to the detention of the Canadian schooners "Onward," "Carolina" and "Thornton," seized in August, 1886, by the United States cutter "Corwin" in Behring Sea.

(f.) Copy of a telegram and order purporting to be from the United States Attorney General and Judge Dawson respectively, relating to the release of the above named vessels; and

(g.) A letter, dated 3rd September, 1887, from the law firm of Drake, Jackson & Helmcken, of Victoria, containing additional information relating to the same.

From the above mentioned papers, it appears that on the 6th of August, 1887, the Canadian schooner "Alfred Adams," whilst engaged in catching seals in the open sea, more than fifty miles distant from the nearest land, was forcibly seized by an armed vessel of the United States, her ship's papers taken, her cargo of seal skins, thirteen hundred and eighty-six (1,386) in number, together with all her arms, ammunition and fishing implements transferred to the United States cutter, and her captain ordered to proceed with sealed orders to Sitka and to deliver himself, his vessel and men, into the hands of the United States marshal at that place.

This treatment of the "Alfred Adams," whilst peaceably pursuing her lawful calling on the high seas, is but a repetition of the unjustifiable seizures of Canadian vessels made by the United States authorities in Behring Sea, and which have been dealt with at length in previous reports to Council.

The Minister, therefore, does not consider it necessary in this instance to traverse the ground already so fully covered and recommends that a copy of this report, with the papers attached, be forwarded to Her Majesty's Government for their earnest and immediate consideration, and that a copy thereof be sent to the British Minister at Washington, together with the sealed letter given by Captain Shepard to the master of the "Adams," with the request that it be forwarded to Mr. Secretary Bayard. With reference to the attached papers "E," "F" and "G," the Minister observes that, from the first, "E," it appears that inquiries made by the Collector of Customs at Victoria, B.C., in July last, resulted in his obtaining the information that Judge Dawson had, up to that date, received no orders for the release of the Canadian seal ng vessels seized in 1886, that the vessels had not been sold and remained still under seizure, and that Judge Dawson when questioned as to the report that a telegram had been sent to him by the Attorney General of the United States ordering the release of the vessels, had replied that he had heard of this report before but that nothing of the kind had reached either himself or the United States marshal at Sitka. The paper marked "F" purports to be a copy of a telegram dated 26th January, 1887, from the United States Attorney-General Garland to Judge Dawson ordering him to release the vessels seized in August preceding, and of order founded thereon from Judge Dawson to the United States marshal at Sitka, bearing date 19th February, 1887, directing him to release the "Carolina," "Onward," "Thornton," and "San Diego" together with all their tackle, apparel, skins, guns, ammunition, small boats and everything pertaining to said vessels. The third paper marked "G," is a copy of a letter from the law firm of Drake, Jackson & Helmcken, of Victoria, B.C., to the Minister of Justice, informing him that they are advised that a telegram was received by Judge Dawson from the United States Attorney General ordering the release of the vessels above referred to, that Judge Dawson did issue an order accordingly, but that he afterwards rescinded the order on the assumption that the telegram was a forgery and that since "no official letters of any sort, either confirming the telegram or respecting the affair has been received at Sitka."

The Minister observes that if the information conveyed in the above mentioned papers is correct, of which there appears no reasonable doubt, it reveals a state of affairs by no means satisfactory.

On the 3rd of February, 1887, Mr. Secretary Bayard informed the British Minister at Washington, that "orders have been issued, by the President's direction, for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith." A telegram in accordance with Mr. Bayard's communication appears to have been sent to Alaska, and an order based thereon to have been issued by the district judge, but to have been afterwards rescinded, and no further action has been taken up to date of latest information. Meanwhile the vessels remain under seizure, the seal skins are forfeited, and the property of Canadian citizens forcibly withheld from them under circumstances which involve very great loss and damage.



The Minister further observes that, with a view of guiding the action of Canadian citizens interested in sealing in the northern seas, repeated attempts were made previous to the commencement of the present season to obtain an official expression from the United States Government of the policy they proposed to pursue in their treatment of foreign vessels sealing in Behring Sea, but that these efforts proved altogether unavailing. From Mr. Bayard's communication of 3rd February, 1887, above referred to, the fair inference, however, was to be drawn that, until the question in dispute between the two Governments as to the legality of the previous seizures had been finally disposed of, no further seizures would be made. And there is no doubt that on the strength of this communication and in the absence of any explicit statement of policy to the contrary, Canadian citizens did, in the beginning of the present season, embark upon their customary sealing expeditions to Behring Sea, under the reasonable impression that they would not be interfered with by the United States authorities, so long as they conducted their operations in the open sea, only however to find their vessels seized, their property confiscated, and their ventures completely ruined.

It is respectfully submitted that this condition of affairs is in the highest degree detrimental to the interests of Canada, and should not be permitted to continue. For nearly two years Canadian vessels have been exposed to arbitrary seizure and confiscation in the pursuit of a lawful occupation upon the high seas, and Canadian citizens subjected to imprisonment and serious financial loss; while an important and remunerative Canadian industry has been threatened with absolute ruin. This course of action has been pursued by United States officers in opposition to the contention in the past of their Government in regard to the waters in which these seizures have taken place, in violation of the plainest dictates of international law and in the face of repeated and vigorous protests of both the Canadian and British Governments.

The Minister advises that Her Majesty's Government be again asked to give its serious and immediate attention to the repeated remonstrances of the Canadian Government against the unwarrantable action of the United States in respect to Canadian vessels in Behring Sea, with a view to obtain a speedy recognition of its just rights and full reparation for the losses sustained by its citizens.

The whole respectfully submitted.

GEO. E. FOSTER, *Minister of Marine and Fisheries.*

[Enclosure No. 3a]

*Hon. Mr. Hamley to Hon. Mr. Foster.*

CUSTOM HOUSE, VICTORIA, 1st September, 1887.

SIR,—On the 7th August, the master of the United States revenue cutter "Rush" seized in Behring Sea, 60 miles from any land, the Canadian schooner "Alfred Adams."—Her register, clearance, guns and ammunition and the seal skins she had taken (1,386) were all taken from her and the vessel herself ordered to Sitka. No one from the revenue cutter was put on board by Captain Shepard, and the master of the "Alfred Adams" instead of going as he was desired to Sitka, returned to Victoria, arriving here 31st August. I forward the master's deposition before a notary public and what Captain Shepard is pleased to term a certificate of the schooner's seizure signed by himself. Mr. Drake, a solicitor, is at Sitka waiting for the case to be heard in court; the trial was delayed for the arrival of the "Rush" and she was expected about the beginning of this month. Mr. Drake, will no doubt, report direct to the Minister of Justice.

I have the honor to be, sir, your obedient servant,

W. HAMLEY.

I enclose also a sealed letter addressed by Captain Shepard to the district attorney and United States marshal, at Sitka, which the master of the "Alfred

Adams" brought down with him and which you can deal with in any way you think fit.

W. HAMLEY.

The Honorable GEO. E. FORSTER, Minister of Marine.

[Enclosure No. 45.]

*Declaration of W. H. Dyer.*

In the matter of the seizure of the sealing schooner "Alfred Adams" by the United States revenue cutter "Richard Rush."

I, William Henry Dyer, of Victoria, B.C., master mariner, do solemnly and sincerely declare that:—

1. I am the master of the schooner "Alfred Adams," of the port of Victoria, British Columbia, engaged in the business of catching seals. On the 6th of August, 1887, while on board the said schooner and in command of the same, being in latitude 54° 48' N. and longitude 167° 49' West, the United States revenue cutter "Richard Rush" steamed alongside, lowered a boat commanded by the first lieutenant and boat's crew. The said lieutenant came on board the said "Alfred Adams" and ordered me to take the ship's register, log-book, articles and all other of the ship's papers on board the "Richard Rush." In obedience to his command I took all said papers and accompanied the said lieutenant on board the "Rush." When I arrived on board the "Rush" the captain of the "Rush" asked me what was my business in the Behring Sea. I replied taking seals. He enquired how many skins I had. I replied 1,386. He then said he would seize the ship, take the skins, arms, ammunition and spears. I stated I did not think the ship was liable to seizure, as we had never taken a seal within 60 miles of Ounalaska nor nearer St. Paul's than 60 miles south of it, and that we had never been notified that the waters were prohibited unless landing and taking them from the Island of St. Paul's. He stated he must obey the orders of his Government, and that our Government and his must settle the matter, and ordered me to proceed on board the said schooner and deliver up my arms, ammunition, skins and spears. He sent two boats belonging to the "Rush" in charge of the first and second lieutenant of the "Rush" respectively, and manned with sailors from the "Rush," who came on board the said schooner (I returning in company with the first lieutenant). They took from the said schooner 1,386 (thirteen hundred and eighty-six) skins, four kegs of powder (3 triple F and 1 blasting powder), 500 (five hundred) shells, three cases of caps and primers, nine breech-loading double-barrelled shot guns, one Winchester rifle, all in good order, and twelve Indian spears, and he then gave me a sealed letter addressed to the United States marshal and United States district attorney at Sitka; he also gave me an acknowledgment of the goods taken and also gave me a certificate that the said schooner was under seizure, and after being alongside for about three and a half hours, I received orders in writing to proceed to Sitka and report to the United States district attorney and marshal. We then parted company. My crew consisted of myself, mate, two seamen, one Chinese cook and twenty-one (21) Indians. Previous to the said seizure we had spoken the schooner "Kate," of Victoria, and had been informed by the mate of that vessel that the crews (and particularly the Indians) taken to Sitka on schooners previously seized had been very badly treated. The Indians became very mutinous on learning that we were to proceed to Sitka and report to the United States authorities, and declared they would not go to Sitka, and to avoid trouble I came to Victoria instead of going to Sitka. I arrived in Victoria on the 31st August, 1887, at about 7 p.m.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths Ordinance, 1869.

W. H. DYER.

Declared before me this 1st day of  
September, 1887, at Victoria,  
British Columbia.

H. DALLAS HELMCKEN, a Notary Public in  
and for the Province of British Columbia.

[Enclosure No. 5e.]

*Certificate of Seizure.*

UNITED STATES REVENUE STEAMER "RUSH,"

BEHRING SEA, 6th August, 1887.

*To whom it may concern :*

This will certify that I have this day seized the British schooner "Alfred Adams," of Victoria, B.C., Captain W. H. Dyer, master, for violation of law, and have taken charge of his ship's papers, viz : Register, shipping articles, clearance bill of health and log book ; also her arms and seal skins.

Very respectfully,

L. G. SHEPARD, *Captain U.S.R.M.*

[Enclosure No. 6e.]

*Hon. Mr. Hamley to Hon. Mr. Foster.*

CUSTOM HOUSE, VICTORIA, 26th July, 1887.

DEAR SIR,—Captain Carroll, master of the American steamer "Olympian," has been taking parties of excursionists to Sitka, and I asked him to see the judge, Mr. Dawson, and find out something we could trust respecting the seized vessels. Dawson told him he had received no orders whatever for the release of the vessels ; they have not been sold, and remain as they were, under seizure. Captain Carroll told Dawson of the telegram, dated last January, purporting to have been sent by Mr. Garland, Attorney General at Washington, in the President's name, ordering the vessels to be released. Dawson said he had heard of it before, and that it must have been, as he termed it, a "put up thing," as nothing of the kind had reached either himself or the United States marshal at Sitka.

The serious part is, that our people trusting to the story of the order for release, have sent thirteen vessels again this year to the sealing grounds—one has been seized already, and if the others fall in the way of the revenue cutters they will probably be seized also. I may perhaps hear something more from the Admiral when he returns from Alaska, and if so I will write to you again.

Yours very truly,

W. HAMLEY.

To the Honorable GEO. E. FOSTER, &amp;c., &amp;c.

[Enclosure No. 7f.]

*Attorney General to Judge Dawson.*

WASHINGTON, D.C., 26th January, 1887.

To Judge LAFAYETTE DAWSON and M. D. BALL, United States District Attorney, Sitka, Alaska :

I am directed by the President to instruct you to discontinue any further proceedings in the matter of the seizures of the British vessels "Carolina," "Onward," and "Thornton," and discharge all vessels now held under such seizure and release all persons that may be under arrest in connection therewith.

A. H. GARLAND, *Attorney General.*

[Enclosure No. 8f.]

*Judge Dawson to United States Marshal.*

To BARTON ATKINS, United States Marshal for the District of Alaska :

You are hereby directed to release the vessels "Carolina," "Onward," and "Thornton," and "San Diego," which were seized in Behring Sea for violation of section (1,956), United States statutes, together with their tackle, apparel, skins, guns, ammunition, small boats and everything pertaining to said vessels, this 19th day of February, 1887.

LAFAYETTE DAWSON, *District Judge, District of Alaska.*

[Enclosure No. 9g.]

*Messrs Drake, Jackson, & Helmcken to Minister of Justice.*

VICTORIA, B.C., 3rd September, 1887.

SIR,—We have the honor to inform you that we are in receipt of a letter from our Mr. Drake, written from Sitka under date 28th August, in which he states that a telegram was received at Sitka, relative to the schooners seized last year, from the United States Attorney General Garland, directing their release and discharge of the men. The judge gave an order accordingly which was afterwards rescinded on the assumption that the telegram was a forgery. No official letter of any sort either confirming the telegram or respecting the affair has been received at Sitka. The schooners now seized and at Sitka are the "Anna Beck," "W. P. Sayward," "Dolphin," and "Grace." The "Alfred Adams," was also seized. The trial of the present men, Mr. Drake states, would not take place until after the arrival of the revenue cutter "Rush"; also that judging from the past and the views held by the court, the result would most probably be the same and urges that immediate steps should be taken to prevent the imprisonment of the masters, and that he would obtain declarations from the masters duly certified, and enter a protest at the trial.

The "Rush" was not expected at Sitka until yesterday.

Regarding the seizure of the "Alfred Adams," we have to state that that schooner has arrived here safely. The declarations of her captain, Dyer, and his men have been duly taken, which her owners, Messrs. Guttman & Frank of this city yesterday handed to Hon. Mr. Hamley, Collector of Customs, together with a sealed letter which the commander of the "Rush" handed to Captain Dyer to be delivered to the district attorney at Sitka. These papers no doubt Mr. Hamley has already forwarded to the proper department.

We have since forwarded a copy of this information to the Right Honorable Sir John A. Macdonald, K.C.B.

We have, &c.,

DRAKE, JACKSON & HELMCKEN.

The Honorable J. S. D. THOMPSON, Minister of Justice, Ottawa.

*Deputy Minister of Justice to Deputy Minister of Fisheries.*

[Enclosure No. 10.]

DEPARTMENT OF JUSTICE, CANADA, OTTAWA, 12th September, 1887.

SIR,—I have the honor to enclose for your information a copy of a letter which has been received by the Minister of Justice from Messrs. Drake, Jackson & Helmcken, in which they report with reference to the sealing vessels which have been seized in the Behring Sea by the United States authorities.

I am to state that the Minister of Justice has taken no action with respect to this communication, but that he is of the opinion that the Minister of Marine and Fisheries should at his earliest convenience take steps to communicate the substance thereof to the Colonial Office and to the British Minister at Washington.

I have, &c.,

GEO. W. BURBIDGE,

The Deputy Minister of Fisheries, Ottawa.

D. M. J.

*Lord Lansdowne to Sir L. S. West.*

CITADEL, QUEBEC, 26th September, 1887.

SIR,—With reference to previous correspondence I have the honor to forward herewith for your information a copy of an approved Minute of the Privy Council of Canada, dated 21st inst., covering copies of a report of my Minister of Marine and Fisheries and other papers relating to the seizure and detention of the Canadian sealing schooner "Alfred Adams" and other Canadian vessels by the United States authorities in Behring Sea.

Enclosures of No. 22.

The sealed letter addressed to the United States district attorney and United States Marshal at Sitka, Alaska, came into the possession of my Government under the circumstances described in the statutory declaration of Captain Dyer, of the "Alfred Adams." I shall be much obliged if you will have the goodness to cause the letter to be forwarded to Mr. Secretary Bayard. I should add by way of explanation that the envelope of the letter which is described by the Minister in his report as "sealed and unopened," appears to have been worn through at one end during the transmission of the papers by post.

LANSDOWNE.

The Honorable L. S. SACKVILLE WEST, K.C.M.G.

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 29th September, 1887.

MY LORD,—I communicated on 27th inst. to the Secretary of State for Foreign Affairs, copies of your Lordship's despatches Nos. 325 and 338 of the 19th and 27th of August, respectively, relating to the seizure in Behring Sea by a United States revenue cutter of the British Columbian vessels "Grace," "Dolphin" and "W. P. Sayward."

I now have the honor to transmit to you for the information of your Ministers, a copy of a letter from the Foreign Office, enclosing a copy of a despatch which the Marquis of Salisbury has addressed upon this subject to Her Majesty's Minister at Washington.

I have, &c.,

H. T. HOLLAND.

Governor General, the Most Honorable the Marquis of Lansdowne, G.O.M.G., &c.

[Enclosure No. 1.]

*Foreign Office to Colonial Office.*

FOREIGN OFFICE, 27th September, 1887.

SIR,—I laid before the Marquis of Salisbury your letter of the 15th instant, enclosing despatches and other papers received from the Government of Canada, relative to the seizure in Behring's Sea by the United States revenue cutter "Richard Rush," of the British Columbian vessels, the "Grace," the "Dolphin" and the "W. P. Sayward."

Lord Salisbury has instructed Her Majesty's Minister at Washington to make representations to the United States Government in regard to these cases, in connection with those of the "Carolina," "Onward" and "Thornton;" and His Lordship has directed Sir L. West to call attention to the fact that in the case of the "W. P. Sayward" according to her mate's deposition no seals were taken by her crew in Behring Sea, as is alleged in the libel of information filed in the United States District Court.

I enclose a copy of the despatch addressed to Sir L. West for the information of Secretary Sir H. Holland.

I have, &c.,

W. P. CURRIE.

The Under Secretary of State, Colonial Office,

[Enclosure No. 2.]

*Lord Salisbury to Sir L. S. West.*

FOREIGN OFFICE, 27th September, 1887.

SIR,—I transmit to you herewith copies of two despatches, No. 325, 19th and No. 338, 27th, ultimo, addressed to Her Majesty's Secretary of State for the Colonies by the Governor General of Canada, forwarding papers relative to the seizure in

Behring Sea by the United States revenue cutter "Richard Rush," of three British Columbian vessels, the "Grace," the "Dolphin," and the "W. P. Sayward."

I have to request that you will make a representation to the United States Government on the subject of the seizure and detention of these vessels, in connection with the representations which I instructed you to make in the cases of the "Onward," the "Carolina" and the "Thornton," and that you will reserve all rights to compensation on behalf of the owners and crew.

You should point out to Mr. Bayard, that in the case of the "W. P. Sayward" according to the deposition of her mate, no seals had been taken by her crew in Behring Sea, as is alleged in the libel of information filed on behalf of the United States district attorney in the District Court of Alaska.

I am, &c.,  
SALISBURY.

The Hon. Sir L. S. WEST, K.C.M.G., &c., &c.,

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 29th September, 1887.

MY LORD,—I have the honor to acquaint you that I duly communicated to the Secretary of State for Foreign Affairs, your telegraphic message of the 2<sup>nd</sup> instant, reporting that the vessels seized in Behring's Sea last year were

No 21.

still detained by the United States authorities.

I have now to transmit to you for communication to your Ministers a copy of a despatch which Lord Salisbury has addressed to Her Majesty's Minister at Washington, dated 27th instant, directing him to enquire the reason why these vessels have not been released.

I have, &c.

H. T. HOLLAND.

Governor General the most Honorable the Marquis of Lansdowne, &c., &c., &c.

[Enclosure No. 1.]

*Lord Salisbury to Sir L. West.*

FOREIGN OFFICE, 27th September, 1887.

SIR,—I transmit to you, for your information, a copy of a letter from the Colonial Office, dated 24th instant, enclosing a telegram from the Governor General of Canada, from which it appears that the British schooners "Carolina," "Onward" and "Thornton," referred to in your despatch No. 34 of the 4th February last have not yet been released.

In his note of the 3rd February, enclosed in your above-mentioned despatch, Mr. Bayard stated that "orders have been issued, by the President's direction, for the discontinuance of all pending proceedings, the discharge of the vessels referred to, and the release of all persons under arrest in connection therewith."

Her Majesty's Government regret to learn that delay has taken place in the release of the three vessels, and I have to instruct you to enquire the reason why the directions of the President, as above quoted, have not been carried out.

I am, &c.,

SALISBURY.

[Enclosure No. 2.]

*Colonial Office to Foreign Office.*

DOWNING STREET, 24th September, 1887.

SIR,—With reference to your letter of the 12th August last, and to recent correspondence, I am directed by Secretary, Sir Henry Holland, to transmit to you, for such action upon it as the Marquis of Salisbury may think proper to take a telegram received this day from the Governor General of Canada,

No. 21. relating to the question of the release of the British Columbia sealing vessels seized by the United States authorities in Behring Sea.

This telegram appears to relate to the vessels seized last year.

I am to request to be informed of any communication which may be made to the United States Government in order that a reply may be sent to the Governor General.

I am, &c.,

JOHN BRAMSTON.

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 8th October, 1887.

MY LORD,—I have the honor to transmit to you for the information of your Government, with reference to previous correspondence, a copy of a despatch from Her Majesty's Minister at Washington, dated the 23rd ult., on the subject of Behring Sea seizures and to the question of bringing before the Fisheries Commission the Alaska seal fishery question.

I have, &c.,

JOHN BRAMSTON,

*For the Secretary of State.*

*Sir L. West to the Marquis of Salisbury.*

BRITISH LEGATION, WASHINGTON, 23rd September, 1887.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's despatch, No. 219, of the 10th instant, and to inform Your Lordship that I communicated it this day to the Secretary of State and at his request left a copy of it in his hands.

I have, &c.,

L. S. WEST.

The Marquis of Salisbury, K.G., &c.,

No. 81.

*Sir L. S. West to Lord Lansdowne.*

WASHINGTON, 14th October, 1887.

MY LORD,—With reference to my telegram of this day's date I have the honor to enclose to Your Excellency copy of a note which I have received from the Secretary of State expressing regret that the misconception which has arisen of the intentions and orders of the President for the release of the British schooners "Onward," "Carolina" and "Thornton" should have delayed their prompt execution and stating that renewed orders have been forwarded.

I have, &c.,

L. S. SACKVILLE WEST.

His Excellency the Marquis of Lansdowne, G.C.M.G., &c.

[Enclosure No. 1.]

*Mr. Bayard to Sir L. S. West.*

DEPARTMENT OF STATE, WASHINGTON, 13th October, 1887.

SIR,—Continuing my reply to your note of the 29th ultimo, enquiring the reason for the delay in complying with the order issued in January last, for the release of British vessels seized last year in Behring Sea, I beg leave to inform you that I have this day received a communication from my colleague, the Attorney General, informing me that his telegram to the United States marshal at Sitka, of 26th January last, ordering the release of the British schooners "Onward," "Carolina" and

"Thornton," owing to some misconception and mistake on the part of the official to whom it had been addressed, had not been acted upon.

A renewed order has gone forward for their release—as had been distinctly directed last January, and which I had no reason to doubt had been promptly obeyed.

In my note to you of the 11th instant, I stated it to be my impression that no Enclosure No. 2 of hindrance to their re-possession by the owners of the vessels named No. 34. existed.

This impression it now appears, was not well founded, and as my object is to give you the fullest information within my power in relation to all transactions touched in our correspondence, I hasten to communicate the latest report made to me from the Department of Justice.

I take leave also to express my regret that any misconception of the instructions and orders of the President should have delayed their prompt execution.

I have, &c.

T. F. BAYARD.

The Honorable Sir L. West, K.C.M.G.

No. 408.

*Lord Lansdowne to Sir H. Holland.*

20th October, 1887

SIR,—With reference to previous correspondence upon the subject of the seizure of British sealing vessels in Behring Sea, I have the honor to forward, for your information, a clipping from the *Toronto Mail* of the 17th instant, publishing in full the Canadian brief prepared by Mr. Drake, Q.C., and filed in the Alaska courts on behalf of the officers of the British sealers seized in Behring Sea.

I also enclose for your information a clipping from the *New York Herald* of the 13th instant, giving the United States brief filed in the District Court at Sitka, by Mr. A. K. Delaney, as counsel for the United States Government.

I have, &c.,

LANSDOWNE.

The Right Honorable Sir Henry Holland, Bart., &c., &c.

[Enclosure No. 1.]

*Extract from Toronto "Mail."*

#### BEHRING SEA.

#### MR. DRAKE'S MASTERLY ANSWER TO AMERICAN PRETENSIONS.

*The Russian Claim Discussed—Position Assumed by the States Untenable—Going Beyond the Recognized Law of Nations—The Seizures Entirely Illegal.*

(From our own Correspondent.)

OTTAWA, 16th October.—Hitherto only a brief *resumé* of Mr. Drake's brief in the Alaska courts has been published. As the United States press has recently been making a great parade over the American Government's case, it may not be out of place to give in full the brief prepared by Mr. Drake himself, and filed on behalf of the officers of the British sealers seized in Behring Sea.

#### THE BRIEF.

*United States Court District of Alaska. The United States Plaintiff, vs. J. D. Warren and J. C. Riley, Defendants.*

Brief in support of the demurrer, filed herein the 30th August, 1887, on behalf of the masters and owners of the British schooners "Anna Beck," "Dolphin," "Grace" and "W. P. Sayward," seized by the United States cutter for an alleged



infraction of an Act of the United States Congress, No. 120, being an Act to prevent the extermination of fur-bearing animals in Alaska. The Act is directed against killing seals in the waters adjacent to the Islands of St. Paul and St. George, and does not refer to any other waters in Behring Sea; but on referring to section 1,956 of the Revised Statutes, the language used is somewhat different, prohibiting the killing of fur-bearing animals within the limits of Alaska Territory or the waters thereof. The first question then to be decided is what is meant by the waters thereof. If the defendants are bound by the treaty between the United States and Russia ceding Alaska to the United States, then it appears that Russia in 1822 claimed absolute territorial sovereignty over the Behring Sea, and purported to convey practically one-half of that sea to the United States. But are the defendants, as men belonging to a country on friendly terms with the United States, bound by this assertion of Russia? And can the United States claim that the treaty conveys to them any greater right than Russia herself possessed in these waters? In other words, the mere assertion of a right contrary to the comity of nations can confer on the grantees no rights in excess of those recognized by the laws of nations. In enquiring what that right was and how far it was submitted to by the other powers interested, namely, Great Britain and the United States, we find the United States Minister at St. Petersburg in 1822, combatting the pretensions of Russia to a jurisdiction over the waters of Behring Sea for a distance of one hundred miles from the coast (for this was the extent of Russia's claim in 1822) in the following expressive language: "The existence of territorial rights to the distance of 100 miles from the coast and the prohibition of approaching to the same distance from these coasts and from those of all intervening islands are innovations on the law of nations and measures unexampled." We thus find that the assumption of a limited sovereignty over the waters of Alaska was challenged by the United States, and in consequence was not persisted in, and on the 17th April, 1824, a convention was concluded between the United States and Russia, whereby it was agreed, "that in any part of the great ocean commonly called the Pacific Ocean, or South Sea, the respective citizens, subjects of the high contracting powers, should be neither disturbed nor restrained either in navigation nor in fishing, or in the power of resorting to the coasts upon points which might not then already have been occupied for the purpose of trading with the natives, saving always the restrictions and conditions contained in certain articles attached to the treaty referring to illicit trade with the Indians."

#### THE RUSSO-BRITISH TREATY.

The Government of Great Britain, on the 28th February, 1825, also entered into a treaty with Russia in consequence of the same extravagant pretensions of Russia, which treaty contains the following provisions:—"It is agreed that the respective subjects of the high contracting parties shall not be troubled or molested in any part of the ocean commonly called the Pacific Ocean, either in navigating the same or fishing therein, or in landing at such parts of the coast as shall not have been already occupied in order to trade with the natives under the conditions and restrictions specified in the then following articles." These restrictions are not dissimilar from those attached to the treaty with the United States. In order to ascertain what were the pretensions of Russia which led to these treaties it is necessary to refer to the edict of the Autocrat of all the Russias. By section 1 it is enacted:—"That the pursuits of commerce, whaling and fishing, and all other industries on all islands, ports and gulfs, including the whole of the north-west coast of America, beginning from Behring Straits to 51° of north latitude; also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring Straits to the south cape of the Island of Bruck, namely, 45° 50' northern latitude, is exclusively granted to Russian subjects. Section 2. It is therefore prohibited to all foreign vessels not only to land on the coasts and islands belonging to Russia, but also to approach them within less than 100 Italian miles. The transgressor's vessel is subject to confiscation along with the whole cargo."

## RUSSIA'S CLAIM.

Thus it appears that Russia claimed 100 miles from the coasts of all the islands, as well as the mainland of Behring Sea, and south to 45° 50'. It was this claim that led to the indignant remonstrance of the United States and Great Britain, and to the treaties before referred to, and shows that Behring Sea was included in the term "Pacific Ocean." The pretensions of Russia were never revived, and the citizens of Great Britain as well as the United States had free access at all times to these waters in navigating and fishing without any restriction. And Russia's claim was never revived until she purported to cede to the United States a portion of Behring Sea. Russia could not sell what she did not own, and the United States could not claim that which it was not in the power of Russia to sell. The treaty with England has never been abrogated, and was in force when the cession to the United States took place, and there was no need to protest against the extravagant pretensions of Russia in purporting to dispose of the high seas, as until last year no attempt has been made to enforce such a claim. The United States have always been the strongest upholders of the law of nations, and on this head Kent's Commentaries, page 28: "The open sea is not capable of being possessed as private property; the free use of the ocean for navigation and fishing is common to all mankind, and the public jurists generally and explicitly deny that the main ocean can ever be appropriated." He also refers to the claim of Russia, and in another place he states that "the United States have recognized the limitation of a marine league for general territorial jurisdiction by authorizing the district courts to take cognizance of all captures made within a marine league of the American shore." See Act of Congress, June 5, 1794. And in Wharton's International Law Digest, page 32, the author says: "The limit of one sea league from shore is provisionally adopted as that of the territorial sea of the United States," and "our jurisdiction has been fixed to extend three geographical miles from our shore, with the exception of any waters or bays which are so land-locked as to be unquestionably within the jurisdiction of the United States, be their extent what they may." Behring Sea is not a gulf or bay, and is not land-locked by the lands of the United States. Wharton again states that "a vessel on the high seas beyond the distance of a marine league from the shore is regarded as part of the territory of the nation to which she belongs." And Mr. Seward in a letter to Mr. Tassara, December 16, 1862, tersely states the principle as follows:—"There are two principles bearing on the subject which are universally admitted, (1) that the sea is open to all nations, and (2) that there is a portion of the sea adjacent to every nation over which the sovereignty of that nation extends to the exclusion of every other political authority.

A third principle bearing on the subject is that the exclusive sovereignty of a nation abridging the universal liberty of the seas extends no further than the power of the nation to maintain it by force stationed on the coast extends. "*Terræ dominium finitur, ubi finitur armorum vis*" (the sovereignty of the coast ends where the power to control it by force of arms terminates). It thus appears that by the comity of nations, sanctioned and approved by American jurists, that the high seas are open to all, that the territorial authority only extends to a marine league or, at all events, not further than a force on shore can protect the coasts.

It also appears that the United States, in claiming sovereignty over the Behring Sea, is claiming something beyond the well-recognized law of nations, and bases her claim upon the pretensions of Russia which were successfully repudiated by both Great Britain and the United States. A treaty is valid and binding between the parties to it, but it cannot affect others who are not parties to it. It is an agreement between nations and would be construed in law like an agreement between individuals. Great Britain was no party to it and therefore is not bound by its terms.

It is therefore contended that the proceedings taken against the present defendants are *ultra vires* and without jurisdiction. But, in order to press the matter further, it may be necessary to discuss the Act itself under which the alleged jurisdiction is assumed. The Act must be construed by what appears within its four

corners and not by any extrinsic document. It is an Act defining a criminal offence, and an Act which abridges the privileges and immunities of citizens must be most strictly construed; and nothing but the clearest expression can or ought to be construed against the interest of the public in applying this principle to the present case. The terms used in the Act itself are "the waters adjacent to the Islands of St. George and St. Paul." "Adjacent," in Wharton, page 846, is held to be adjacent to the coast and within the territorial jurisdiction of the country. This language then does not apply to these defendants who are fifty miles from the nearest coast. In section 1,956 the language is "the waters of Alaska." This must also be construed by the universal law as applying to the territorial limit only. And in a letter from Mr. Evarts to Mr. Foster in April, 1879, referring to a case in which certain American merchant vessels were seized by the Mexican authorities for an alleged breach of the revenue laws, although distant more than three miles from shore it was held to be an international offence and was not cured by a decree in favor of the assailants by a Mexican court. So here it is submitted that a decree of your Honor's court will not give any validity to the seizures here made, and the defendants in filing their demurrer and submitting this argument do not thereby waive their rights or submit to the jurisdiction of the court.

No. 409.

*Lord Lansdowne to Sir H. Holland.*

OTTAWA, 20th October, 1887.

SIR,—I have the honor to transmit to you a copy of an approved report of a Committee of the Privy Council, to which is appended a copy of a despatch from His Honor the Lieutenant Governor of British Columbia, covering a Minute of his Executive Council, dated 15th instant, setting forth the value to British Columbia of the present sealing industry in Behring Sea.

You will observe that the Executive Council of British Columbia consider that the rights of British subjects, as regards the Behring Sea, should be included in the scope of the duties of the International Fisheries Commission.

I have, &c.,

LANSDOWNE.

The Right Hon. Sir H. HOLLAND, Bart, &c., &c.

[Enclosure No. 1.]

*CERTIFIED Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 15th October, 1887.*

The Committee of the Privy Council have had under consideration a despatch, dated 15th September, 1887, from the Lieutenant Governor of British Columbia, enclosing copy of a Minute of his Executive Council on the subject of the seizure of British sealing vessels in Behring Sea, and pointing out the threatened destruction of an important and growing industry in British Columbia, by a repetition of outrages on the part of United States cruisers.

The Minister of Marine and Fisheries, to whom the despatch and enclosures were referred, recommends that the Government of British Columbia be informed that no opportunity has been neglected on the part of the Dominion Government of bringing to the attention of the Government of Her Majesty the unlawful seizure of Canadian vessels in Behring Sea, and requesting that a speedy and satisfactory settlement of the losses sustained be urged upon the United States Government, and that the representations made by the Government of British Columbia have been forwarded to Her Majesty's Government.

The Committee advise that the Secretary of State be authorized to transmit a copy of this Minute to the Lieutenant Governor of British Columbia for the information of his Government.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. McGEE, *Clerk Privy Council.*

[Enclosure No. 3.]

HARRISON HOT SPRINGS, BRITISH COLUMBIA, 15th September, 1887.

SIR,—I have the honor to transmit herewith copy of a Minute of my Executive Council, approved by me on the ninth instant, representing the value to the Province of British Columbia of the present sealing industry in Behring Sea, the number of vessels, men, &c., engaged in the same, the loss to the Province certain to ensue from the destruction of this trade by the seizures and confiscations made by the United States cruisers. That the rights of British subjects should have the same protection and consideration on the Pacific as on the Atlantic, and that full compensation and redress for injuries already received, and assurances of future non-interference should be obtained from the United States Government.

That this question should be included in the scope of the duties of the International Fishery Commission now understood to be in process of organization, and that it is desirable said commission should hold some of its sittings in Victoria, for reasons therein set forth, &c.

I have the honor to be, sir, your obedient servant,

HUGH NELSON, *Lieutenant Governor.*

The Honorable the Secretary of State, Ottawa.

[Enclosure No. 4.]

*Copy of a Report of a Committee of the Honorable the Executive Council, approved by His Honor the Lieutenant Governor on the 9th day of September, 1887.*

On a memorandum from the Honorable the Minister of Finance and Agriculture, dated the 6th September, 1887, setting forth:—

That there are usually engaged in seal fishing in Behring Sea seventeen vessels wholly owned by people residing in this city, of the aggregate value of \$125,000.

That the outfit for each semi-annual voyage of these vessels represents an expenditure of \$75,000, equal to \$150,000 a year.

That each of these vessels, on an average, employs a crew of five whites and about twenty Indians or fifteen to eighteen whites as hunters.

That the probable aggregate value of the product of each voyage is \$200,000, or \$400,000 a year.

That this industry, though as yet only in its infancy, is a very important one for so small a community.

That the glaring and unlawful seizures and confiscations in Behring Sea during last season, and the present year, are completely crushing out this infant industry and causing ruin, and in several known instances, actual distress to those who have invested their all in the business and relied upon it for a livelihood.

That the destruction of this industry not only entails ruin and distress upon those directly engaged therein, but it affects most injuriously the trade of the Province, and drives from these waters a race of hardy and adventurous fishermen, who, with their families, are large consumers, and who would in time become a very important element of strength, if not the nucleus of the future navy of Canada on the Pacific.

That the rights and interests of British subjects, whether in fisheries or in commerce, are entitled to the same consideration and protection on the Pacific as on the Atlantic, and that it is, therefore, the duty of the Dominion Government to employ every proper means for obtaining immediate and full compensation and redress for past injuries and wrongs as well as to guard against the possibility of a repetition of these high-handed outrages in the future.

That it is believed to be desirable that this question should be included in the scope of the duties of the International Commission now understood to be in process of organization for the settlement of the fishery disputes existing between Canada and the United States of America, and it is considered most important that the said Commission should hold one or more of its sittings in this city, in order that those more directly acquainted with and interested in the Pacific fisheries may have a better opportunity of being heard and making the Commissioners more thoroughly acquainted with the subject than would otherwise be possible.

The Committee advise approval and that a copy of this Minute be forwarded to the Honorable the Secretary of State for Canada.

Certified.

JNO. ROBSON, *Clerk Executive Council.*

No. 356.

*Sir Henry Holland to Lord Lansdowne.*

DOWNING STREET, 20th October, 1887.

MY LORD,—I am directed by the Secretary of State to transmit to you for communication to your Ministers the documents specified in the annexed Schedule.

I have, &c.,

H. HOLLAND.

The officer Administering the Government of Canada.

Date.	Description of Document.
4th October....	Admiralty to Colonial Office. Encloses list of schooners engaged in sealing.

[Enclosure No. 1.]

*The Admiralty to the Colonial Office.*

ADMIRALTY, 4th October, 1887.

SIR,—I am commanded by the Lords Commissioners of the Admiralty to transmit for the information of the Secretary of State for the Colonies, copy of a letter from the Commander in Chief on the Pacific Station, dated 14th September, No. 158, enclosing a list of the schooners that have been sealing, extracted from the *Victoria Colonist* newspaper dated 13th September.

A similar letter has been sent to the Foreign Office.

I am, &c.,

EVAN MACGREGOR.

The Under Secretary of State, Colonial Office.

(Enclosure No. 2.)

*Rear Admiral Seymour to the Secretary of the Admiralty—Seizure of Sealing Schooners.*

"TRIUMPH" AT ESQUIMALT, 14th September, 1887.

SIR,—The sealing season being now over, I have the honor to enclose a list of the schooners that have been sealing, cut from the *Victoria Colonist* of yesterday's date. It is not yet known whether the five vessels "to arrive" have been seized or not but they are overdue here.

With regard to the schooner "Alfred Adams" I am credibly informed she was boarded by the American revenue cruiser in Behring Sea, her skins, 1,500 in number taken out, as well as her arms, and she was told to proceed to Sitka. No one being put on board, the captain brought his vessel down here.

No orders whatever have ever been received here with regard to the release of the schooners seized last year, which are now, I believe, high and dry at Ounalaska, worm-eaten and worthless.

I have, &c.,

M. CALME SEYMOUR,  
*Rear Admiral and Commander in Chief.*

[Enclosure No. 3.]

*From the "Daily Colonist," Victoria, B. C., of Tuesday, 13th Sept., 1887.*

### THE SEAL CATCH.

#### LIST OF VESSELS ARRIVED WITH THEIR TOTAL CATCH—SCHOONERS SEIZED.

The following is the list of sealing schooners which have arrived in port with their northern catches, also those to arrive and those seized. The coast catch by Indians and the spring catch by American sealers disposed of in Victoria are also appended:—

#### *Vessels arrived.*

Name.	Spring Catch.	Northern Catch.	Total.
Pathfinder.....	400	2,377	2,817
Penelope.....	1,000	1,500	2,500
Mary Ellen.....	367	2,090	2,457
Lottie Fairfield.....	400	2,600	3,000
Mary Taylor.....	200	800	1,000
Mountain Chief.....	400	687	1,087
Black Diamond.....	....	954	.....
Adela .....	164	1,350	1,514

#### *Vessels to arrive.*

Name	Spring Catch.	Northern Catch.	Total.
Ada .....	349	.....	.....
Kate.....	1,030	.....	.....
Favorite.....	.....	.....	.....
Theresa.....	307	.....	.....
Triumph.....	21	.....	.....

#### *Vessels seized.*

Dolphin.....	} 1,500
Grace.....	
Anna Beck.....	
W. P. Sayward .....	
Alfred Adams .....	

The number of seals caught by American schooners and sold in this city is as follows:—

Helen Blum.....	436
Sylvia Handy.....	139
San Jose.....	197
City of San Diego.....	200
Vanderbilt.....	617
Discovery.....	250

The Neah Bay schooner "Lottie's" northern catch was disposed of the other day and amounted to 700 skins.

This makes the total catch as far as could be gleaned yesterday, 19,046 skins by British vessels and 2,539 skins disposed of by American schooners.

The catch off the west coast by the Indians and sold to storekeepers was 500.

The total number of skins brought into port for this season will represent in dollars at \$6.50 per skin the handsome sum of \$140,302.50.

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 4th November, 1887.

MY LORD,—I have the honor to transmit to you for the information of your Ministers, with reference to your despatch, No. 372, of the 26th of September, the accompanying copy of a correspondence between this department and the No. 22. Foreign Office, 12th and 20th October, 1887, respecting the seizures of British vessels in Behring's Sea.

Her Majesty's Minister at Washington has now been instructed to give to the Enclosure No. 2. Secretary of State of the United States a copy of Mr. Foster's report of No. 22. of the 15th of September on which subject telegraphic communications have passed between myself and Your Lordship.

I have, &c,

H. T. HOLLAND.

Governor General the Most Honorable the Marquis of Lansdowne, &c, &c, &c.

[Enclosure No. 1.]

*The Colonial Office to the Foreign Office.*

DOWNING STREET, 17th October, 1887.

SIR,—I am directed by Secretary, Sir H. Holland, to transmit to you to be laid before the Marquis of Salisbury, copy of a despatch from the Governor No. 22. General of Canada, dated 26th September, with its enclosures, respecting the seizures in Behring Sea of the British schooner "Alfred Adams."

These papers appear to Sir H. Holland to point to a serious state of things, which seem to make it necessary that some decided action in the matter should be taken by Her Majesty's Government. And he would suggest for the consideration of Lord Salisbury, whether it would not be desirable to instruct Sir L. West unless he has already done so, formally to protest against the right assumed by the United States of seizing vessels for catching seals beyond the territorial waters of Alaska.

I am to add that Sir H. Holland makes this suggestion as Mr. Bayard is reported in the newspapers to have stated that no protest against their right to seize had been made, and to have assumed therefore that Her Majesty's Government did not really dispute it.

I am, &c.,

JOHN BRAMSTON.

The Under Secretary of State, Foreign Office.

[Enclosure No. 2.]

*The Foreign Office to the Colonial Office.*

FOREIGN OFFICE, 20th October, 1887.

SIR,—I am directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 17th instant, enclosing copies of a correspondence received from the Governor General of Canada, relative to the seizure made by the authorities of the United States of certain British vessels when engaged in seal fishing in Behring Sea.

With reference to the latest case reported, that of the Canadian schooner "Alfred Adams," I am to request that you will inform Sir H. Holland that a telegram has been sent to Her Majesty's Minister at Washington, directing him to make a protest to the United States Government against the seizure of that vessel and the con-

tinuance on the high seas of similar proceedings by the authorities of the United States.

With regard to the report that it had been stated by Mr. Bayard that no protest had been made against the right of those authorities to make the seizures, and that it had therefore been assumed that Her Majesty's Government did not really dispute the right, I am to remind you that Sir L. West, acting on the instructions which were given to him by the late Earl of Iddesleigh on the 20th of October, 1886, addressed a note to the United States Secretary of State protesting in the name of Her Majesty's Government against the seizure of the three Columbian schooners "Thorn-ton," "Onward" and "Caroline" by the United States revenue cruiser "Corwin." This correspondence was forwarded with my letter of the 16th of November last.

I am further to point out that the directions given to Sir L. West in regard to subsequent seizures of other British vessels in Behring's Sea during the present fishing season which were embodied in Lord Salisbury's despatches, Nos. 219 and 229 of the 10th and 27th ultimo (copies of which were also communicated to you on those dates respectively) amount to a protest against the assumption by the United States Government of their right to seize British vessels on the high seas in those waters.

I am to request that in laying this letter before Sir H. Holland, you will move him to ascertain by telegraph whether the report of Mr. Foster (the Canadian Minister of Marine and Fisheries) of the 15th ultimo, has been communicated by Lord Lansdowne, with the papers attached, to Her Majesty's Minister at Washington as suggested in the report.

On learning that this has been done, Lord Salisbury proposes to authorize Sir L. West to give a copy of them to Mr. Bayard.

I am, &c.,

J. PAUNCEFOTE.

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 16th November, 1887.

MY LORD,—I have the honor to transmit to you, for communication to your Ministers, with reference to your despatches of the numbers and dates, No. 408, 20th October, No. 372, 26th September, telegram, 23rd September, the accompanying printed correspondence received from the Foreign Office respecting the seizure of the British Columbian sealing vessels in Behring Sea.

I have, &c.,

H. T. HOLLAND.

Governor General the Most Honorable the Marquis of Lansdowne, K.C.M.G.

[Enclosure No. 1.]

*Sir L. West to the Marquis of Salisbury.*

WASHINGTON, 12th October, 1887.

MY LORD,—In accordance with the instructions contained in your Lordship's telegram, No. 39, of the 27th ultimo, I addressed a note to the Secretary of State, copy of which I had the honor to enclose to your Lordship in my despatch, No. 273, of the 28th ultimo, inquiring the reason why the vessels referred to in his note of the 3rd February last had not been released, and I now enclose copy of the reply which I have received thereto.

I have, &c.,

L. S. SACKVILLE WEST.



[Enclosure No. 2.]

*Mr. Bayard to Sir L. West.*

DEPARTMENT OF STATE, WASHINGTON, 11th of October, 1887.

SIR,—I have the honor to acknowledge your note of the 29th ultimo, stating that Her Majesty's Government had been officially informed that the British vessels referred to in my note to you of the 3rd February last had not been released, and asking the reason for the delay in complying with the order of the executive in that regard.

Upon receiving your note I at once wrote my colleague the Attorney General as the head of the Department of Justice, in order that I might be enabled to reply satisfactorily to your enquiry.

I am still without an answer from him, which, when received, shall be promptly communicated to you.

In the meantime, in acknowledging your note, I take occasion to state my impression—that if the three vessels seized, and ordered to be released, have not been repossessed by their owners it is not because of any hindrance on the part of any official of this Government, or failure to obey the order for release, but probably because of the remoteness of the locality (Sitka) where they were taken after arrest for adjudication, and the proceedings having been *in rem*, the owners have not seen proper to proceed to Alaska and repossess themselves of the property in question.

I have, &c.,

T. F. BAYARD.

[Enclosure No. 3.]

*Sir L. West to the Marquis of Salisbury.*

WASHINGTON, 12th October, 1887.

MY LORD,—With reference to your Lordship's despatch, No. 220. of the 15th ultimo, respecting the judicial proceedings in the cases of the schooners "Carolina," "Onward" and "Thornton," I have the honor to refer to the memoranda contained in my despatches, No. 261, of the 8th, and No. 263, of the 9th September. From what I can ascertain, the notice of appeal in these cases is still lying in the Sitka court, for there is no court to which, under the Act of Congress, the injured parties could appeal, and as in the case of the American vessel "San Diego," no further steps can be taken in the matter.

I have, &c.,

L. S. SACKVILLE WEST.

[Enclosure No. 4.]

*Sir L. West to the Marquis of Salisbury.*

WASHINGTON, 12th October, 1887.

MY LORD,—In accordance with the instructions contained in your Lordship's despatch, No. 229, of the 27th ultimo, I addressed a note to the Secretary of State, Enclosure No. 2 copy of which I have the honor to enclose herewith, making similar of No. 24. representations respecting the seizure of the British vessels "Grace," "Dolphin" and "W. P. Sayward," as were made in the cases of the "Onward," "Carolina" and "Thornton," and reserving all rights to compensation on behalf of the owners and crews.

I have, &c.,

L. S. SACKVILLE WEST.

[Enclosure No. 5.]

*Sir L. West to Mr. Bayard.*

WASHINGTON, 12th October, 1887.

SIR,—In connection with the representation which I was instructed to make to you respecting the seizure of the British schooners "Onward," "Carolina," and "Thornton," by the United States cruiser "Corwin," in Behring Sea, I have the honor to inform you that I am now further instructed to make similar representations in the cases of the British Columbian vessels "Grace," "Dolphin," and "W. P. Sayward," seized lately by the United States revenue cutter "Richard Rush," and at the same time as in the case of the "Onward," "Carolina" and "Thornton," to receive all rights to compensation on behalf of the owners and crews.

I am also instructed to point out to you that according to the deposition of the mate of the "W. P. Sayward," copy of which is enclosed, no seals had been taken by her crew in Behring Sea as is alleged in the libel of information filed on behalf of the United States district attorney in the District Court of Alaska.

I am, &amp;c.,

L. S. SACKVILLE WEST.

[Enclosure No. 6.]

*Sir L. West to the Marquis of Salisbury.*

WASHINGTON, 14th October, 1887.

MY LORD,—I have the honor to enclose to Your Lordship herewith, copy of the reply which I have received to my note of the 12th instant, copy of which was enclosed in my despatch of No. 278, of the 12th instant, respecting the seizure of the "Grace," "Dolphin," and "W. P. Sayward."

I have, &amp;c.,

L. S. SACKVILLE WEST.

[Enclosure No. 7.]

*Mr. Bayard to Sir L. West.*

DEPARTMENT OF STATE, WASHINGTON, 13th October, 1887.

SIR,—I have the honor to acknowledge your note of yesterday in relation to the cases of the seizure of the British schooners "Onward," "Carolina," and "Thornton," in Behring Sea, by United States revenue vessels in August, 1886, and also your instructions to include by similar representations the cases of the British Columbian vessels "Grace," "Dolphin," and "W. P. Sayward," seized by the United States revenue authorities in Behring Sea, with notification that Her Britannic Majesty's Government reserve all right to compensation on behalf of the owners and crews of the above mentioned vessels.

The affidavit of the mate of the "W. P. Sayward" has been read, and the facts therein stated will be at once investigated.

I have, &amp;c.,

THOMAS F. BAYARD.

[Enclosure No. 8.]

*Sir L. West to the Marquis of Salisbury.*

WASHINGTON, 14th October, 1887.

MY LORD,—With reference to the note from the Secretary of State, copy of which was enclosed in my despatch, No. 276, of the 12th instant, I have the honor to enclose to Your Lordship herewith, copy of a further reply to my note of the 29th ultimo, expressing regret that misconception of the intentions and orders of the President for the release of the sealers "Onward," "Carolina"

and "Thornton," should have delayed their prompt execution and stating that renewed orders have been forwarded.

I have communicated copy of this note to the Marquis of Lansdowne, the substance of which I telegraphed to Your Lordship this day.

I have, &c.,

L. S. SACKVILLE WEST.

[Enclosure No. 9.]

*Mr. Bayard to Sir L. West.*

DEPARTMENT OF STATE, WASHINGTON, 13th October, 1887.

SIR,—Continuing my reply to your note of the 29th ultimo, enquiring the reason for the delay in complying with the order issued in January last, for the release of British vessels seized last year in Behring Sea, I beg leave to inform you that I have this day received a communication from my colleague the Attorney General, Enclosure No. 7 informing me that his telegram to the United States marshal at Sitka, of No. 22. of the 26th January last, ordering the release of the British schooners "Onward," "Carolina" and "Thornton," owing to some misconception and mistake on the part of the official to whom it had been addressed had not been acted upon.

A renewed order has gone forward for their release, as had been distinctly directed last January, and which I had no reason to doubt had been promptly obeyed.

In my note to you of the 11th instant, I stated it to be my impression that no hindrance to their repossession by the owners of the vessels named Enclosure No. 2 of No. 34. existed.

This impression, it now appears, was not well founded, and as my object is to give you the fullest information within my power in relation to all transactions touched in our correspondence, I hasten to communicate the latest report made to me from the Department of Justice.

I take leave also to express my regret that any misconception of the intentions and orders of the President should have delayed their prompt execution.

I have, &c.,

T. F. BAYARD.

[Enclosure No. 10.]

*Sir L. West to the Marquis of Salisbury.*

WASHINGTON, 20th October, 1887.

MY LORD,—I have the honor to enclose to Your Lordship herewith copy of a note, which upon the receipt of Your Lordship's telegram of the 19th, I addressed to the Secretary of State protesting against the seizure of the Canadian vessel "Alfred Adams," in Behring Sea, and against the continuation of similar proceedings by the United States authorities on the high seas.

I have, &c.,

L. S. SACKVILLE WEST.

[Enclosure No. 11.]

*Sir L. West to Mr. Bayard.*

WASHINGTON, 19th October, 1887.

SIR,—I have the honor to inform you that I am instructed by the Marquis of Salisbury, Her Majesty's Principal Secretary of State for Foreign Affairs, to protest against the seizure of the Canadian vessel "Alfred Adams," in Behring Sea, and against the continuation of similar proceedings by the United States authorities on the high seas.

I have, &c.,

L. S. SACKVILLE WEST.

No. 399.

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 24th November, 1887.

MY LORD,—With reference to my despatches of the 4th and 16th instant, I have the honor to transmit to you herewith, for communication to Nos. 33 and 34. your Government a copy of a despatch received through the Foreign Office from Her Majesty's Minister at Washington with its enclosure relating to the seizure of the "Alfred Adams," in Behring's Sea.

I have, &amp;c.,

H. T. HOLLAND.

Governor General, the Most Honorable the Marquis of Lansdowne, G.C.M.G.

[Enclosure No. 1.]

*Sir L. S. West to the Marquis of Salisbury.*

WASHINGTON, 23rd October, 1887.

MY LORD,—With reference to my despatch No. 288 of the 20th instant, in which Enclosure No. 10 I had the honor to enclose copy of the note which, according to instructions, I addressed to the United States Government on the subject of the seizure of the "Alfred Adams," in Behring Sea, I have the honor to transmit herewith copy of Mr. Bayard's reply, in which he acknowledges the receipt of my above-mentioned communication.

I have, &amp;c.,

L. S. SACKVILLE WEST

[Enclosure No. 2.]

*Mr. Bayard to Sir L. S. S. West.*

DEPARTMENT OF STATE, WASHINGTON, 22nd October, 1887.

SIR,—I had the honor to receive last evening your note of the 19th instant, conveying the instructions addressed to you by the Marquis of Salisbury, that you Enclosure No. 11 should protest against the seizure of the Canadian vessel "Alfred of No. 34. Adams," in Behring Sea, and against the continuance of similar proceedings by the United States authorities on the high seas.

I have, &amp;c.

T. F. BAYARD.

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 7th December, 1887.

MY LORD,—I have the honor to transmit to your Lordship herewith, for your information and for that of your Ministers, a copy of a despatch, received through the Foreign Office, which has been addressed by the Secretary of State for Foreign Affairs to Her Majesty's Plenipotentiaries at the Fisheries Conference at Washington, relative to a proposed International Convention for the protection of seals in Behring Sea.

I have, &amp;c.,

H. T. HOLLAND.

Governor General the Most Honorable the Marquis of Lansdowne, G.C.M.G., &amp;c., &amp;c.

*Lord Salisbury to Her Majesty's Plenipotentiaries at the Fisheries Conference.*

FOREIGN OFFICE, 2nd December, 1887.

GENTLEMEN,—I received on the 26th instant a telegram from Mr. Chamberlain, enquiring whether a proposal for an international conference in regard to the Behring Sea fisheries had been accepted by Her Majesty's Government.

You are aware from the correspondence which is in your possession, that communications with reference to a proposal which would appear to have been addressed to some of the maritime powers by the United States Foreign International Convention for the protection of seals in the Behring Sea, were received last October from the German and Swedish Chargés d'Affaires in London.

No definite invitation, however, for an international understanding on this question has yet been received from the Government of the United States by Her Majesty's Government.

In answer to a question from Mr. Phelps, I have expressed myself as being favorably disposed to negotiating for an agreement as to a close season in all seal fisheries to whomsoever belonging, but I carefully separated the question from all controversies as to fishery rights.

I am, &c.,

SALISBURY.

Her Majesty's Plenipotentiaries.

*Lord Lansdowne to Sir Henry Holland,*

OTTAWA, 19th January, 1888.

SIR,—In reference to my former despatches upon the subject of the seizure of Canadian sealing vessels, during the years 1886-87 by U.S. cruisers for fishing in Behring Sea, I have the honor to report that my Minister of Marine and Fisheries has received from the Customs authorities at Victoria an intimation addressed by the U.S. marshal at Sitka to Mr. Spring, the owner of the "Onward," one of the three vessels seized in 1886, to the effect that that vessel as well as the "Thornton" and "Carolina," with their tackle, apparel and furniture, as they now lie in the harbor of Ounalaska, are to be restored to their owners. A copy of this intimation is enclosed herewith.

2. The information received by my Minister is to the effect that the condition of these three vessels owing to the length of time during which they have been lying on the shore is now such as to render it questionable whether they could under present circumstances be repaired and removed with advantage. The difficulty of doing this would be increased from the fact that the vessels have been released at a season of the year in which, owing to the great distance between Victoria and Ounalaska, it would be scarcely possible for the owners to fit out steamers for the purpose of going up to Ounalaska to repair their vessels and bring them home.

3. I also enclose herewith a copy of an extract from a British Columbia newspaper (the name and date of the publication are not given) from which it would appear that the district judge has made an order for the sale of arms and ammunition taken from the three schooners in question, upon the supposed ground that as the instructions sent by the United States Government to Sitka for the liberation of the vessels, made no mention of the arms and ammunition on board of them, the court concluded that these should be confiscated and sold. It would seem from the same extract, that the remaining vessels held in Alaska are not included in the order sent by the United States Government for the release of the "Thornton," "Carolina" and "Onward," and are therefore likely to be sold with their contents and equipment.

5. I have already dwelt at sufficient length upon the extent of the hardships involved to the crews and the owners of these vessels by the action of the United States Government, and I will only upon the present occasion remind you that another fishing season is approaching, and that as far as my Government is aware, no declaration has been made by that of the United States in regard to the policy which it intends to adopt during the course of the year which has just commenced.

I have, &c.,

LANSDOWNE.

The Right Honorable Sir HENRY HOLLAND, Bart., &c., &c., &c.

*Mr. Barton Atkins to Mr. C. Spring.*

DISTRICT OF ALASKA, OFFICE OF U. S. MARSHAL.

SITKA, 6th December, 1887.

SIR,—I take pleasure in informing you and the other owners of the schooners seized in the Behring Sea by the U. S. S. "Corwin," that I am in receipt of orders from Washington to restore to their owners the schooners "Onward," "Thornton" and "Carolina," their tackle, apparel and furniture, as they now lie in the harbor of Unalaska. Orders for their release have been forwarded to their custodian at Unalaska.

Very respectfully,

BARTON ATKINS,

*U. S. Marshal, District of Alaska.*

Mr. C. SPRING, Victoria, B. C.

[*Extract from an American newspaper (name and date unknown).*]

### ALASKA NEWS.

#### THE SEALERS AND WHAT WILL BE DONE WITH THEM.

Judge Dawson has made an order for the sale at Juneau of the arms and ammunition taken from the British schooners "Thornton," "Carolina" and "Onward" captured last year by the "Corwin." Attorney General Garland sent instructions to Sitka to have the three vessels liberated, but as he made no mention of the arms and ammunition the court concluded that they must be sold, and gave directions accordingly.

The marshal has further been authorized to sell the schooner "W. P. Sayward" (British) and the "Alpha," "Kate," "Anna" and "Sylvia Handy" (American), together with their boats, tackle and furniture. By stipulation entered into last September between Mr. Delaney, acting for the United States, and Mr. Drake, Q. C., representing the Canadian Government, the remaining British schooners cannot be sold until the expiration of three months from the 11th of January next, and then only by the district attorney giving the owners ninety days' notice.

#### APPLICATION GRANTED.

In the cases of the schooners "Lily L.," "W. P. Sayward," "Annie," "Allie J. Alger," "Alpha," "Kate and Anna," and "Sylvia Handy," an application made by Attorney W. Clark, counsel for the owners, for leave to appeal to the Supreme Court of the United States was granted.

A motion presented by the same attorney, for a stay of proceedings for three months in the cases of the "W. P. Sayward," "Alpha," "Kate and Anna" and the "Sylvia Handy," was refused by the court on the ground that the owners had had ample time in which to prepare for their appeals, and it was entirely their own fault if they had not done so.

---

## FURTHER CORRESPONDENCE

(65b)

Relating to the Seizure of British Vessels in Behring Sea.

---

*Sir L. West to Mr. Bayard.*

WASHINGTON, 28th September, 1887.

SIR,—I have the honor to inform you that Her Majesty's Government have been officially informed that the British vessels mentioned in your note of the 3rd February last have not been released, and that I am instructed to inquire the reason for the delay in complying with the orders sent to this effect, as stated in your above mentioned note.

I have, &c.,

L. S. SACKVILLE WEST.

---

*Sir L. West to Mr. Bayard.*

WASHINGTON, 2nd February, 1887.

SIR,—I have the honor to inform you that, under date of the 27th ultimo, the Marquis of Salisbury instructs me to inquire whether the information and papers relative to the seizure of the British schooners "Carolina," "Onward" and "Thornton" have reached the United States Government.

I have, &c.,

L. S. SACKVILLE WEST.

---

*The Earl of Iddesleigh to Sir L. West.*

FOREIGN OFFICE, 30th October, 1886.

SIR,—Her Majesty's Government are still awaiting a report on the result of the application which you were directed by my despatch, No. 181, of the 9th ultimo, to make to the Government of the United States for information in regard to the reported seizure by the United States revenue cutter "Corwin" of three Canadian schooners while engaged in the pursuit of seals in Behring Sea.

In the meanwhile, further details in regard to these seizures have been sent to this country, and Her Majesty's Government now consider it incumbent on them to bring to the notice of the United States Government the facts of the case as they have reached them from British sources.

It appears that the three schooners, named respectively the "Carolina," the "Onward," and the "Thornton," were fitted out in Victoria, British Columbia, for the capture of seals in the waters of the Northern Pacific Ocean, adjacent to Vancouver's Island, Queen Charlotte Islands, and Alaska.

According to the depositions enclosed herewith\* from some of the officers and men, these vessels were engaged in the capture of seals in the open sea out of sight of land, when they were taken possession of on or about the 1st August last by the United States revenue cutter "Corwin," the "Carolina" in latitude 55° 53' north,

---

\* See printed correspondence, p. 4, 5 and 6, letters of Ogilvie and Munroe, depositions of Dallas, McLardy and Munsie.

longitude 165° 53' west; the "Onward" in latitude 50° 52' north, longitude 167° 55' west, and the "Thornton" in about the same latitude and longitude.

They were all at a distance of more than 60 miles from the nearest land at the time of their seizure, and on being captured were towed by the "Corwin" to Ounalaska, where they are still detained. The crews of the "Carolina" and "Thornton," with the exception of the captain and one man on each vessel detained at that port, were, it appears, sent by the steamer "St. Paul" to San Francisco, California, and then turned adrift, while the crew of the "Onward" were kept at Ounalaska.

At the time of their seizure the "Carolina" had 686 seal skins on board, the "Thornton" 404, and the "Onward" 900, and these were detained, and would appear to be still kept at Ounalaska, along with the schooners, by the United States authorities.

According to information given in the *Alaskan*, a newspaper published at Sitka, in the territory of Alaska, and dated 4th September, 1886, it is reported:—

1. That the master and mate of the schooner "Thornton" were brought for trial before Judge Dawson, in the United States District Court at Sitka, on the 30th August last.

2. That the evidence given by the officers of the United States revenue cutter "Corwin" went to show that the "Thornton" was seized while in Behring Sea, about sixty or seventy miles south south-east of St. George Island, for the offence of hunting and killing seals within that part of Behring Sea, which (it was alleged by the *Alaskan* newspaper) was ceded to the United States by Russia in 1867.

3. That the judge in his charge to the jury, after quoting the first article of the treaty of the 30th March, 1867, between Russia and the United States, in which the western boundary of Alaska is defined, went on to say: "All the waters within the boundary set forth in this treaty, to the western end of the Aleutian Archipelago and chain of islands, are to be considered as comprised within the waters of Alaska, and all the penalties prescribed by law against the killing of fur-bearing animals must therefore attach against any violation of law within the limits heretofore described. If, therefore, the jury believe from the evidence that the defendants, by themselves or in conjunction with others, did, on or about the time charged in the information, kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal or animals, on the shores of Alaska, or in the Behring Sea, east of 193° of west longitude, the jury should find the defendants guilty, and assess their punishment separately, at a fine of not less than \$200 nor more than \$1,000, or imprisonment not more than six months, or by both such fine, within the limits herein set forth, and imprisonment.

4. That the jury brought in a verdict of guilty against the prisoners, in accordance with which the master of the "Thornton," Hans Guttormsen, was sentenced to imprisonment for thirty days and to pay a fine of \$500, and the mate of the "Thornton," Norman, was sentenced to imprisonment for thirty days and to pay a fine of \$300, which terms of imprisonment are presumably now being carried into effect.

There is also reason to believe that the masters and mates of the "Onward" and "Carolina" have since been tried, and sentenced to undergo penalties similar to those now being inflicted on the master and mate of the "Thornton."

You will observe from the facts given above, that the authorities of the United States appear to lay claim to the sole sovereignty of that part of Behring Sea lying east of the westerly boundary of Alaska, as defined in the 1st article of the treaty concluded between the United States and Russia in 1867, by which Alaska was ceded to the United States, and which includes a stretch of sea extending in its widest part some 600 or 700 miles easterly from the mainland of Alaska.

In support of this claim, those authorities are alleged to have interfered with the peaceable and lawful occupation of Canadian citizens on the high seas, to have taken possession of their ships, to have subjected their property to forfeiture, and to have visited upon their persons the indignity of imprisonment.

Such proceedings, if correctly reported, would appear to have been in violation of the admitted principles of international law.



I request that you will, on the receipt of this despatch, seek an interview with Mr. Bayard and make him acquainted with the nature of the information with which Her Majesty's Government have been furnished respecting this matter, and state to him that they do not doubt that, if on inquiry it should prove to be correct, the Government of the United States will, with their well known sense of justice, at once admit the illegality of the proceedings resorted to against the British vessels and the British subjects above mentioned, and will cause reasonable reparation to be made for the wrongs to which they have been subjected, and for the losses which they have sustained.

Should Mr. Bayard desire it, you are authorized to leave with him a copy of this despatch.

I am, &c.,

IDDESLEIGH.

Sir L. West.

## ADDITIONAL CORRESPONDENCE.

(65c)

Relating to the seizure of British Vessels in Behring Sea.

*Sir L. West to Mr. Bayard.*

WASHINGTON, 4th February, 1867.

SIR,—I have the honor to acknowledge the receipt of your note of the 3rd instant, informing me that without conclusion at this time of any questions which may be found to be involved in the cases of seizure of British vessels in Behring Sea, orders have been issued, by the President's direction for the discontinuance of all pending proceedings, the discharge of the vessels referred to and the release of all persons under arrest in connection therewith.

I have, &c.,

L. S. S. WEST.

The Honorable T. F. BAYARD, &c., &c., &c.

*Sir L. West to Mr. Bayard.*

WASHINGTON, 8th July, 1867.

SIR,—With reference to your note of the 17th April, stating that the records of the judicial proceedings in the cases of the British vessels seized in Behring's Sea had been received, I have the honor to inform you that the Marquis of Salisbury has instructed me to request you to be good enough to furnish me with a copy of the same for the information of Her Majesty's Government.

I have, &c.,

L. S. S. WEST.

The Honorable T. F. BAYARD, &c., &c.

*Sir L. West to Mr. Bayard.*

WASHINGTON, 26th October, 1867.

SIR,—With reference to my note of the 19th instant, protesting against the seizure of the British schooner "Alfred Adams," I have the honor to transmit to you herewith copy of the report of the Canadian Minister of Marine and Fisheries and other papers relating thereto.

I have, &c.,

L. S. S. WEST.

The Honorable T. F. BAYARD, &c., &c.

*Mr. Bayard to Sir L. West.*

DEPARTMENT OF STATE, WASHINGTON, July 11th, 1887.

SIR,—Complying with the request contained in your note of the 8th instant, conveyed to me under the instruction of your Government, I have the honor to enclose you two printed copies of the judicial proceedings in the United States District Court for the District of Alaska, in the several cases of libel against the schooners "Onward," "Carolina," and "Thornton," for killing fur seal in Alaska waters.

Accept, &c.,

T. F. BAYARD.

The Honorable Sir L. WEST, &c., &c.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA.

THE UNITED STATES, LIBELLANT,

vs.

THE SCHOONER "ONWARD," HER TACKLE, &c.

*On libel of information for being engaged in the business of killing fur-seal in Alaska waters.*

TRANSCRIPT OF RECORD.

On the 28th day of August, 1886, was filed the following libel of information:—

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF ALASKA.

AUGUST SPECIAL TERM, 1886.

To the Honorable LAFAYETTE DAWSON, judge of the said District Court.

The libel of information of M. D. Ball, attorney for the United States for the District of Alaska, who prosecutes on behalf of the said United States, against the schooner "Onward," her tackle, apparel, boats, cargo and furniture and against all persons intervening for their interest therein, in a cause of forfeiture, alleges and informs as follows:

That Charles A. Abbey, an officer in the revenue marine service of the United States and on special duty in the waters of the District of Alaska, heretofore, to wit, on the second day of August, 1886, within the limits of Alaska Territory and in the waters thereof, and within the civil and judicial district of Alaska, to wit, within the waters of that portion of Behring Sea belonging to said district, on waters navigable from the sea by vessels of ten or more tons burden, seized the ship or vessel commonly called a schooner, the "Onward," her tackle, apparel, boats, cargo and furniture, being the property of some person or persons unknown to the said attorney, as forfeited to the United States for the following causes:

That the said vessel or schooner was found engaged in killing fur seal within the limits of Alaska Territory and in the waters thereof, in violation of section 1956 of the Revised Statutes of the United States.

And the said attorney saith that all and singular the premises are and were true and within the admiralty and maritime jurisdiction of this court; and that by reason thereof, and by force of the statute of the United States in such case made and provided, the beforementioned and described schooner or vessel, being a vessel of over twenty tons burden, her tackle, apparel, boats, cargo and furniture, became and are forfeited to the use of the said United States, and that said schooner is now within the district aforesaid.

Wherefore the said attorney prays that the usual process and monition of this honorable court issue in this behalf, and that all persons interested in the before mentioned schooner or vessel may be cited in general and special to answer the premises, and that all due proceedings being had, that the said schooner or vessel, her tackle, apparel, boats, cargo and furniture, may for the cause aforesaid, and others appearing, be condemned by the definite sentence and decree of this honor-

able court, as forfeited to the use of the said United States according to the form of the statute of the said United States in such case made and provided.

M. D. BALL, *U. S. District Attorney for the District of Alaska.*

Whereupon forthwith issued the following monition :

DISTRICT OF ALASKA, SCT.

The President of the United States of America to the Marshal of the District of Alaska, greeting :

Whereas a libel of information hath been filed in the District Court of the United States for the District of Alaska, on the 28th day of August, in the year 1886, by M. D. Ball, United States attorney for the district aforesaid, on behalf of the United States of America, against the schooner "Onward," her tackle, apparel, boats, cargo and furniture, as forfeited to the use of the United States for the reasons and causes in the said libel of information mentioned, and praying that the usual process and monition of the said court in that behalf be made, and that all persons interested in the said schooner "Onward," her tackle, apparel, boats, cargo and furniture, &c., may be cited in general and special to answer the premises and all proceedings being had, that the said schooner "Onward," her tackle, apparel, boats, cargo and furniture may for the causes in the said libel of information mentioned be condemned as forfeited to the use of the United States.

You are therefore hereby commanded to attach the said schooner "Onward," her tackle, apparel, boats, cargo and furniture, to detain the same in your custody until the further order of the court respecting the same, and to give notice to all persons claiming the same, or knowing or having anything to say why the same should not be condemned and sold pursuant to the prayer of the said libel of information, that they be and appear before the said court to be held in and for the District of Alaska, on the 4th day of October, 1886, at 10 o'clock in the forenoon of the same day, if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to interpose a claim for the same and to make their allegations in that behalf.

And what you shall have done in the premises do you then and there make return thereof together with this writ.

Witness the Honorable Lafayette Dawson, judge of said court, and the seal thereof affixed at the city of Sitka, in the District of Alaska, this 28th day of August, in the year of Our Lord one thousand eight hundred and eighty-six, and of the Independence of the United States the one hundred and eleventh.

{Seal.]

ANDREW T. LEWIS, *Clerk.*

On the 6th day of September, 1886, was filed the following affidavit :

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF ALASKA, UNITED STATES OF AMERICA.

THE UNITED STATES OF AMERICA.

vs.

THE SCHOONER "ONWARD."

UNITED STATES OF AMERICA, } ss.  
District of Alaska.

C. A. Abbey being duly sworn, deposes and says :

That he is and at all times herein mentioned was, a captain in the United States revenue marine, and in command of the United States revenue cutter "Corwin."

That affiant and the following named officers and men of said "Corwin" are material and necessary witnesses for the United States in the above entitled action, to wit : J. W. Howison, lieutenant ; C. F. Winslow, boatswain ; Albert Leaf, seaman ; J. C. Cantwell, lieutenant ; J. H. Douglas, pilot ; and J. U. Rhodes, lieutenant.

That owing to scarcity of provisions and fuel upon said cutter "Corwin," the said "Corwin" and deponent and said witnesses will be obliged to, and are about to go to sea within five days, and out of the district in which the said case is to be tried, and to a greater distance than one hundred miles from the place of trial of said action before the time of said trial;

That there is urgent necessity for taking the depositions of affiant and said witnesses forthwith.

That Daniel Monroe was master and in possession of the said schooner "Onward" at the time of seizure thereof.

C. A. ABBEY.

Subscribed and sworn to before me }  
this 6th day of September, 1886. }

ANDREW T. LEWIS, *Clerk.*

On the same day was entered the following order :

IN THE MATTER OF THE UNITED STATES

*vs.*

SCHOONER "THORNTON,"	CASE No. 50.
do "CAROLINA,"	do 51.
do "ONWARD,"	do 49.
do "SAN DIEGO,"	do 52.

In the above entitled actions urgent necessity and good cause appearing therefor from the affidavits of C. A. Abbey, now, on motion of M. D. Ball, United States district attorney for Alaska, and counsel for the United States herein, it is ordered that the depositions of the witnesses, C. A. Abbey, J. W. Howison, J. C. Cantwell, J. U. Rhodes, J. H. Douglas, C. T. Winslow, Albert Leaf, C. Wilhelm, Thomas Singleton and T. Lorensen be taken before the clerk of the said District Court on Tuesday the 7th day of September, 1886, at 7 o'clock, p.m., or as soon thereafter as the matter can be reached, at the office of said clerk, at Sitka, Alaska, and if not completed on said evening, then the taking of said depositions to be continued by said clerk, from time to time, until completed. That notice of the time and place of taking said depositions be served by the marshal of said district on Hans Guttormsen, James Blake, Daniel Munroe and Charles E. Raynor, and upon W. Clark, Esq., attorney at law, on or before 7th September, at 12, m., and that such shall be due and sufficient and reasonable notice of the taking of said depositions.

Done in open court this 6th day of September, 1886, now at this time W. Clark, Esq., being present in court waives service of notice.

On the 7th day of September, 1886, was filed the following notice and return of service:—

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT  
OF ALASKA, UNITED STATES OF AMERICA.

THE UNITED STATES OF AMERICA

*vs.*

THE SCHOONER "ONWARD."

To Daniel Monroe greeting: You are notified that by order of Lafayette Dawson, judge of said district court, the depositions of C. A. Abbey, J. W. Howison, C. F. Winslow, Albert Leaf, J. C. Cantwell, J. H. Douglas, and J. U. Rhodes will be taken before the clerk of said District Court at his office, in Sitka, in said district, on Tuesday, 7th September, 1886, at 7 o'clock, p.m., or as soon thereafter as the matter can be reached, and if not completed on said evening, the taking of said depositions will be continued by said clerk, from time to time, until completed.

ANDREW T. LEWIS, *Clerk.*

Dated 7th September, 1886.

UNITED STATES OF AMERICA, } ss.  
*District of Alaska.*

This is to certify that on the 7th day of September, 1886, before 12 o'clock noon of that day, I served the annexed notice on the within named Daniel Monroe, at Sitka, District of Alaska, by then and there personally delivering to said Daniel Monroe a copy of said notice. And then and there gave him the privilege of being present at the taking of said depositions.

BARTON ATKINS, *United States Marshal.*

Dated 9th September, 1886.

On the 10th day of September, 1886, were filed the following depositions:—

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT  
 OF ALASKA, UNITED STATES AMERICA.

UNITED STATES

*vs.*

THE SCHOONER "ONWARD."—No. 49.

Depositions of witnesses sworn and examined before me on the 7th day of September, A.D. 1886, at 7 o'clock p.m., of said day, and on 8th and 9th September, 1886, thereafter, at the clerk's office of said court, in Sitka, District of Alaska, United States of America, by virtue and in pursuance of the order of said court, made and entered in the above entitled action on 6th September, A.D. 1886, directing that the testimony and depositions of said witnesses be taken before me at said first mentioned time and place and at such subsequent times as the taking of the same might be continued to by me, in said action then and there pending in said District Court between the United States as plaintiff and the schooner "Onward" as defendant, on behalf of and at the instance of the said plaintiff, the United States, and upon notice of the time and place of taking said depositions, served upon Daniel Monroe, the captain of said schooner, and in possession thereof at time of seizure, and upon W. Clark, Esq., his attorney, the owners thereof being unknown and without the jurisdiction of this court.

Captain C. A. ABBEY, being duly sworn, deposes and says:—

I am a captain in the United States revenue marine service, at present in command of the United States revenue steamer "Corwin," on special duty in Alaskan waters, for the protection of the seal islands and of the Government interests generally.

Q. What were you doing and what occurred on 2nd of August last in the line of your duty? A. Cruising in Behring Sea, about 115 miles south-south-east from St. George Island and in about latitude                      and longitude                      ; between four and five o'clock in the morning, when 1st Lieut. J. W. Howison reported to me that there was a schooner alongside of us, which in answer to his hail replied that she was taking fur seals here in Behring Sea. I then directed him to seize her and place her in charge of C. T. Winslow, boatswain of the "Corwin," I having no commissioned officer to spare at that time. I then got a hawser to her and proceeded to Oonalaska harbor where I placed the vessel, cargo, tackle, furniture and appurtenances in charge of Deputy United States marshal Isaac Anderson, of Oonalaska; the cargo of fur seal skins being stored in "Keuch," in one of the warehouses of the Alaska Commercial Company and under seal.

The arms and ammunition I took aboard the "Corwin" and brought to Sitka, and delivered them to the United States marshal there; the said vessel, tackle, furniture and cargo are now in the custody of the United States marshal of this district.

Q. Was this the vessel against which the libel of information is filed? A. It is.

Q. Did this all occur within the waters of Alaska and the Territory of Alaska and within the jurisdiction of this court? A. It did.

Q. Did this occur within the waters of the sea navigable for vessels of (10) ten tons burden or over? A. It did.

C. A. ABBEY.

Subscribed and sworn to before me this 9th day  
of September, A.D. 1886, after having been  
read over by me to deponent.

ANDREW T. LEWIS, *Clerk U. S. Dist. Court.*

J. W. HOWISON, being duly sworn, deposes and says:—

Q. State your name, age and occupation? A. J. W. Howison, am over 21 years of age, 1st Lieutenant in the United States revenue service and executive officer on the United States revenue steamer "Corwin" and was such on the 2nd of August of this year.

Q. State what happened on 2nd August, 1886, in the line of your duty? A. Between 4 and 6, a.m., I spoke to the schooner "Onward," of Victoria, B.C., and asked if they were catching seal in Behring Sea and they answered yes. I reported the same to the commanding officer of the "Corwin," who ordered the vessel seized. I lowered the boat with the boatswain, C. T. Winslow, and two men and a line, pulled to the schooner and put the boatswain and two men on board, told the captain of the schooner, Daniel Monroe, that I seized him for catching fur seal in Behring Sea. I ran a line from the "Onward" to the schooner "Carolina," already in tow, and returned to the "Corwin."

Q. State the place of this seizure as near as you can recollect? A. The position is given as latitude 55° north, and longitude 167° 40' west, that is about 110 or 115 miles to the south and east of St. George.

J. W. HOWISON.

Subscribed and sworn to before me this 9th day  
of September, A.D. 1886, after having  
been read over by me to deponent.

ANDREW T. LEWIS, *Clerk U. S. Dist. Court.*

Lieut. JOHN C. CANTWELL, being duly sworn, deposes and says:—

Q. State your name, occupation and age? A. John C. Cantwell, 3rd Lieutenant United States revenue marine service, at present on duty United States revenue steamer "Corwin," and over the age of twenty-one years—and was so during two years last past.

Q. Do you recognize this paper? A. I do. It is the official inventory made by me on or about the 12th of August, 1886, of the furniture, tackle, appurtenances and cargo of the schooner "Onward." This inventory was made in consequence of the seizure of the vessel and gives a true and complete list of the furniture, tackle, appurtenances and cargo of said vessel, with the exception of the arms and ammunition. (Said inventory contains the usual ship's furniture of a vessel of the class of the "Onward," navigating instruments, lights, tools, sails, ship's stores and 400 seal skins. The receipt of I. Anderson, Deputy United States marshal at Oonahaska, 14th August, 1886, for said furniture, stores and cargo is attached thereto.)

"By witness" the item "400 seal skins" in said inventory means fur seal skins.

JOHN C. CANTWELL, *3rd Lieutenant, U. S. R. M.*

Subscribed and sworn to before me this 9th day  
of September, 1886, after having been read  
over by me to deponent.

ANDREW T. LEWIS, *Clerk U. S. Dist. Court.*

JOHN U. RHODES, being duly sworn, deposes and says:—

Q. State your name, age and occupation? A. John U. Rhodes. I am over the age of twenty-one years and a lieutenant in the United States revenue marine and attached to the revenue steamer "Corwin."

Q. Do you recognize this paper? A. I do. This paper marked (Ex. "M") is the clearance paper of the schooner "Onward," Victoria, B.C. I found this paper on the said schooner at the time of her seizure and then and there took possession of it. (Said clearance describes the "Onward" as a British schooner of 35.20 tons, navigated with four men, wood built, and bound for Pacific Ocean and Behring Sea, having on board ballast for fishing and hunting voyage.) It is dated at Victoria, B. C., 12th April, 1886.

Q. What arms and ammunition, if any, did you find aboard the schooner "Onward" at the time of her seizure? A. Twelve guns, one keg powder, partly filled, one can of powder, half a bag of buck-shot, two small bags caps.

Q. What was done with these arms and ammunition? A. They were brought to Sitka on the "Corwin" and turned over to the United States marshal at Sitka and are now in his custody.

JOHN U. RHODES.

Subscribed and sworn to before me this 9th day  
of September, A. D. 1886, after having  
been read over by me to deponent. }

ANDREW T. LEWIS, *Clerk U. S. Dist. Court.*

JOHN U. RHODES being duly sworn, deposes and says:—

Q. State your name, age and occupation? A. John U. Rhodes, lieutenant United States revenue marine, at present on the United States revenue steamer "Corwin," and over the age of twenty-one years.

Q. Was any other property seized upon the schooner "Onward" except what is included in the general inventory? A. There was a box containing clothing and nautical instruments, the box was marked Daniel Monroe, master of the schooner "Onward."

Q. What was done with this property? A. I turned it over to the United States marshal at Sitka, and it is now in his custody.

JOHN U. RHODES.

Subscribed and sworn to before me this 9th day  
of September, A. D. 1886, after having  
been read over by me to deponent. }

ANDREW T. LEWIS, *Clerk U. S. Dist. Court.*

CHARLES T. WINSLOW, being duly sworn, deposes and says:—

Q. State your name, age and occupation. A. My name is Charles T. Winslow, 48 years of age. I am a boatswain on the revenue cutter "Corwin," and was so on 2nd August, 1886.

Q. State what occurred on the last mentioned day. A. At about 5 or 6, a.m. I was ordered by Lieut. Howison to go on board the schooner "Onward," which he had seized, and I did so.

Q. What did you see on board, if anything? A. About amidships on deck I saw 20 or 30 dead fur seal that had not been skinned, and some of them were bleeding. There were nine canoes on board with bloody water in them and with spears and outfit suitable for seal killing. Captain Monroe, of the "Onward," then told me he had caught 25 fur seal the day before the seizure and 125 the day before that. This was in answer to my statement that the "Carolina" had 75 seal in her boats.

CHARLES T. WINSLOW.

Subscribed and sworn to before me this 8th day  
of September, A.D. 1886, after having  
been read over by me to deponent. }

ANDREW T. LEWIS, *Clerk U. S. Dist. Court.*

ALBERT LEAF, being duly sworn, deposes and says :—

Q. State your name, age and occupation. A. Albert Leaf, over 21 years of age, and a seaman employed on the revenue cutter "Corwin," and was so on the 2nd day of August last.

Q. What happened on the last named day in connection with the schooner "Onward"? A. I was placed on board the schooner "Onward" by Lieut. Howison when the vessel was seized. I saw dead fur seal with fresh blood on them on the forward deck and fresh fur seal skins on the deck, and there were salted fur seal skins in the hold. I saw nine canoes with blood in them, and spears equipped for seal killing. All this was upon the schooner "Onward" at the time of her seizure.

ALBERT LEAF.

Subscribed and sworn to before me this 8th day  
of September, A.D. 1886, after having  
been read over by me to deponent. }

ANDREW T. LEWIS, Clerk U. S. Dist. Court.

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT  
OF ALASKA, UNITED STATES OF AMERICA.

THE UNITED STATES

vs.

THE SCHOONER "ONWARD."—No. 49.

Whereas on the 6th day of September, 1886, the said District Court duly made and entered in the journal of said court an order directing that the testimony and depositions of the witnesses: C. A. Abbey, J. W. Howison, J. C. Cantwell, J. U. Rhodes, C. T. Winslow and Albert Leaf be taken before me, the clerk of said court, at the time or times and place and upon such notice as are specified in said order.

Now, therefore, this is to certify—that in pursuance of said order, on 7th September, 1886, at 7 o'clock, p.m., each and all of the above-named witnesses appeared before me at the clerk's office of said court at Sitka, District of Alaska, United States of America; that M. D. Ball, Esq., district attorney of said court and district, and W. H. Payson, Esq., appeared then and there on behalf of and as attorneys and proctors for the United States, the libellant herein; and W. Clark, Esq., then and there appeared on behalf of and as attorney and proctor for the said schooner and her owners herein, and Daniel Munroe then and there appeared in pursuance of notice served upon him.

That I was unable to complete the taking of said depositions on said 7th day of September, 1886, and I continued the taking thereof on the 8th and 9th of September, 1886, and completed the same on said last named day. That the said parties by their said attorneys and proctors then and there appeared and were present on each of said last named days and at all times during the takings of said depositions. That each of said witnesses was then and there duly cautioned and sworn by me, that the evidence he should give in said action should be the truth, the whole truth, and nothing but the truth, and thereafter each of said witnesses was then and there examined before me, and I then and there took down the statement and testimony of each of said witnesses, and reduced the same to writing in his presence, and then read the same over to him; and he then and there, after the same had been so reduced to writing and read over to him, subscribed the same in my presence, and swore to the truth thereof.

That the foregoing depositions are the depositions of said witnesses then and there taken before me as aforesaid. That due notice of the taking of said depositions was given as required by said order.

Witness my hand and the seal of said District }

Court this 9th day of September, A.D. 1886. }

[L.S.]

ANDREW T. LEWIS, Clerk of the United States District Court  
in and for the District of Alaska, United States of America.



On 20th September was filed the following amended libel of information :—  
IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT OF ALASKA,  
UNITED STATES OF AMERICA.

August Special Term, 1886.

To the Honorable LAFAYETTE DAWSON, Judge of said District Court.

The amended libel of information of M. D. Ball, attorney for the United States for the District of Alaska, who prosecutes on behalf of the said United States and being present here in court in his own proper person, in the name and on behalf of the said United States, alleges and informs as follows, to wit :—

That C. A. Abbey, an officer in the revenue marine service of the United States, duly commissioned by the President of the United States, in command of the United States revenue cutter "Corwin," and on special duty in the waters of the District of Alaska heretofore, to wit, on the 2nd day of August, 1886, within the limits of Alaska Territory, and in the waters thereof, and within the civil and judicial district of Alaska, to wit, within the waters of that portion of Behring Sea belonging to the United States and said district, on waters navigable from the sea by vessels of ten or more tons burden, seized the schooner "Onward," her tackle, apparel, boats, cargo and furniture, being the property of some person or persons unknown to said attorney. The said property is more particularly described as follows, to wit :—

One schooner "Onward," of Victoria, B.C., nine canoes, carpenters' tools, caulking implements, three anchors, chronometer, clock, nautical instruments, sails, running rigging, rope, twine, lamps, oil, three tons of salt, casks and buckets, 400 fur seal skins, provisions, twelve guns and ammunition for same, and all other property found upon or appurtenant to said schooner. That said C. A. Abbey was then and there duly commissioned and authorized by the proper department of the United States to make said seizure.

That all of said property was then and there seized as forfeited to the United States for the following causes :—

That said vessel and her captain, officers and crew were then and there found engaged in killing fur seals within the limits of Alaska Territory and in the waters thereof, in violation of section 1956 of the Revised Statutes of the United States.

That all the said property, after being seized as aforesaid, was brought into the port of Oonalaska in said territory, and delivered into the keeping of Isaac Anderson, a deputy United States marshal of this district, with the exception of said arms and ammunition, which latter were brought into the port of Sitka in said district and turned over to the United States marshal of this district and all said property is now within the judicial district of Alaska, United States of America.

And the said M. D. Ball, attorney aforesaid, further informs and alleges :—

That on the 2nd day of August, 1886, James Marketich and certain other persons whose names are unknown to said United States attorney, who were then and there engaged on board of the said schooner "Onward" as seamen and seal hunters did, under the direction and by the authority of Daniel Munroe, then and there master of said schooner, engage in killing and did kill, in the Territory and District of Alaska, and in the waters thereof, to wit, 20 fur seal, in violation of section 1956 of the Revised Statutes of the United States, in such cases made and provided.

That the said 400 fur seal skins, and other goods so seized on board of said schooner "Onward" constituted the cargo of said schooner at the time of the killing of said fur seals, and at the time of said seizure.

And said attorney saith that all and singular the premises were and are true and within the admiralty and maritime jurisdiction of the United States, and of this honorable court, and that by reason thereof, and by force of the statutes in such cases made and provided, the aforementioned schooner, being a vessel of over 20 tons burden, and her tackle, apparel, boats, cargo and furniture, became and are forfeited to the use of the United States.

Wherefore the said attorney prays that the usual process and monition of this honorable court issue in this behalf against said schooner and all said hereinbefore

described property to enforce the forfeiture thereof, and requiring notice to be given to all persons to appear and show cause, on the return day of said process why said forfeiture should not be decreed; and that after due proceedings are had, all of said property be adjudged, decreed and condemned as forfeited to the use of the United States; and for such other relief as may be proper in the premises.

Dated 20th September, 1886.

M. D. BALL, *United States District Attorney for the District of Alaska.*

On the same day was filed the following claim:—

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA.

*In Admiralty.*

In the matter of the libel of information against the schooner "Onward" her tackle, apparel, furniture and cargo.

*Claim of Master for Owner.*

And now Daniel Monroe, master of the schooner "Onward," intervening for the interests of Charles Spring & Co., of Victoria, B. C., the owners of the schooner "Onward," her tackle, apparel, furniture and cargo, as set forth in the libel of information herein, appears before this honorable court and makes claim to the said schooner "Onward," her tackle, apparel, furniture and cargo, as set forth in the said libel of information and as the same are attached by the marshal under process of this court at the instance of M. D. Ball, Esq., United States district attorney for the District of Alaska.

And the said Daniel Monroe avers that the said Charles Spring & Co. were in possession of the said schooner "Onward" at the time of the attachment thereof, and that the said Charles Spring & Co., above named, are the true *bona fide* owners of the said schooner, her tackle, apparel, furniture and cargo as seized by the marshal aforesaid and that no other person is the owner thereof.

Wherefore he prays to defend accordingly.

DANIEL MONROE. •

Subscribed and sworn to before me this }  
18th day of September, A.D. 1886. }

[L.S.] ANDREW T. LEWIS, *Clerk of U. S. District Court for the District of Alaska.*  
W. CLARK & D. A. DINGLEY, *Proctors for Claimant.*

On the same day was filed also the following demurrer:—

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF ALASKA.

UNITED STATES

*vs.*

CHARLES SPRING AND SCHOONER "ONWARD."

*Demurrer.*

The demurrer of Charles Spring & Co., claimants of the property proceeded against in the above cause to the amended information filed herein.

1st. The said claimants by protestation, not confessing all or any of the matters in said amended information to be true, demurs thereto and says that the said matters in manner and form, as the same are in said information stated and set forth, are not sufficient in law for the United States to have and maintain their said action for the forfeiture of the property aforesaid.

2nd. The said claimants by protestation deny that this court has jurisdiction to determine or try the question hereby put in issue.

3rd. And that said claimants are not bound by law to answer the same.

Wherefore the said claimants, Charles Spring & Co., pray that the said information may be dismissed with costs.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimants.*

Which demurrer was overruled by the court.

On the same day was filed the following answer of claimants:—

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
ALASKA.

UNITED STATES

vs.

CHARLES SPRING & Co., AND SCHOONER "ONWARD."

*Answer.*

The answer of Charles Spring & Co., claimants and owners of said schooner "Onward," her tackle, apparel, furniture and cargo, as the same are set forth in the information filed herein in behalf of the United States.

And now comes Charles Spring & Co., claimants as aforesaid and for answer to the said information against the said schooner "Onward," her tackle, apparel, furniture and cargo as set forth in said information says that the said schooner "Onward," her tackle, apparel, furniture and cargo as set forth in the information mentioned did not, nor did any part thereof become forfeited in manner and form as in said information in that behalf alleged, or at all.

Wherefore, the said claimants pray that said information be dismissed with costs to these claimants attached.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimants.*

UNITED STATES, }  
DISTRICT OF ALASKA. } SS.

Personally appeared before me, W. Clark, who being first duly sworn upon his oath, says:—

I am the duly authorized proctor for the claimants above named, that the foregoing answer is true as I verily believe. That the reason this affidavit is made by me and not by claimants, is because said claimants are non-residents and are absent from the District of Alaska.

(This was treated as subscribed and sworn to by Daniel Monroe, master.)

Subscribed and sworn to before me this }  
day of September, A. D. 1886. }

On 22nd September, 1886, were filed the following exceptions to answer:—

UNITED STATES DISTRICT COURT, DISTRICT OF ALASKA, UNITED  
STATES OF AMERICA.

UNITED STATES

vs.

THE SCHOONER "ONWARD."—No. 49.

The said libellant hereby excepts to the sufficiency of the defendant's answer herein, on the following grounds:—

1st. Said answer is not properly or at all verified as required by rule 27 of the United States Admiralty rules.

2nd. Said answer is not full, explicit or distinct to each or any allegation of the libel herein, as required by said rule.

3rd. Said answer does not deny or admit any of the allegations or facts in said libel, but merely denies a conclusion of law.

21st September, 1886.

M. D. BALL AND W. H. PAYSON, *Proctors for Libellant.*

Which exceptions were sustained by the court and on the same day was filed the following amended answer:—

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA.

UNITED STATES

vs.

CHARLES SPRING & Co., AND SCHOONER "ONWARD."—No. 49.

*Amended Answer—In Admiralty.*

To the Honorable LAFAYETTE DAWSON, Judge of the United States District Court for the District of Alaska.

Daniel Monroe, master of the schooner "Onward," intervening for the interests and in behalf of Charles Spring & Co., owners and claimants of said schooner "Onward," her tackle, apparel, furniture and cargo for amended answer to the libel of information herein against said schooner, her tackle, apparel, furniture and cargo, alleges as follows:—

1st. That he denies each and every material allegation in said libel of information contained;

2nd. Denies that the said schooner "Onward," her tackle, apparel, furniture, and cargo, and the property appertaining thereto as set forth and described in said libel of information or any part thereof became forfeited to the United States;

3rd. Denies that said schooner, her captain, officers and crew or any one of them were found engaged in killing fur seal within the limits of Alaska waters and within the territory of Alaska in violation of section 1956 of the Revised Statutes of the United States as set forth in said libel of information or at all;

4th. Denies that they killed any number, great or less, or any number at all, of fur seal or other fur bearing animals within the waters of Alaska, or within the said territory of Alaska or in any part thereof.

5th. That all and singular the premises herein set forth are true.

Wherefore said master prays that this honorable court will be pleased to pronounce against the libel herein and that the same may be dismissed with costs to these claimants attached.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimants.*

UNITED STATES, }  
DISTRICT OF ALASKA. } SS.

DANIEL MONROE, being first duly sworn upon his oath, says:—

I am the master and captain of the schooner "Onward." That I have heard read the foregoing answer and know the contents thereof and that the same is true of my own personal knowledge.

DANIEL MONROE.

Subscribed and sworn to before me this }  
22nd day of September, A.D. 1886. }

ANDREW T. LEWIS, *Clerk of the U. S. District Court for the District of Alaska.*

On the 4th day of October, 1886, was filed the following return to the motion issued on the 28th day of August, 1886, cited on page 3 of this transcript:

SITKA,  
DISTRICT OF ALASKA. } SS.

Be it remembered, that, in obedience to the annexed monition, I have attached the within described property and now hold the same in my possession subject to the order of this honorable court;

And I have given due notice to all persons claiming said property to be and appear before this District Court on the 4th day of October, 1886, at 10 o'clock, a.m., if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to make their claims and allegations in that behalf;

And that I have as ordered by said court caused said notice to be published, and the same has been published in the *Alaskan*, a newspaper published at Sitka, in said district, on the 4th day of September, 1886, and in each issue of said newspaper subsequent thereto, until the said 4th day of October, 1886.

BARTON ATKINS, *Marshal, District of Alaska.*

SITKA, ALASKA, 4th October, 1886.

On the same day the following decree was entered :

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT  
OF ALASKA, UNITED STATES OF AMERICA.

UNITED STATES

vs.

THE SCHOONER "ONWARD,"—No. 49.

The marshal having returned on the monition issued to him in the above entitled action that in obedience thereto he has attached the schooner "Onward," her tackle, apparel, boats, cargo and furniture and has given due notice to all persons claiming the same to appear before this court on this 4th day of October, 1886, at 10 o'clock, a.m., at the District of Alaska, United States of America, then and there to appear and make their allegations in that behalf; and Daniel Monroe, the captain of said vessel, having heretofore filed a claim to all said property on behalf of Charles Spring & Co., of Victoria, B. C., the owners thereof, and no other persons having appeared and no claims or allegations having been made or filed herein by any other person or persons, and the usual proclamation having been made, and said cause having been heard upon the pleadings and proofs, M. D. Ball, Esq., and W. H. Payson, Esq., appearing as advocates for the said libellant, and W. Clark, as advocate for said claimants; and the cause having been submitted to the court for decision, and due deliberation being had in the premises, it is now ordered, sentenced and decreed as follows:—

1st. That all persons whatsoever other than said claimants be and they are hereby declared in contumacy and default.

2nd. That said schooner "Onward" her tackle, apparel, boats and furniture and her cargo of 400 fur seal skins, and all other property found upon or appurtenant to said schooner, be and the same are hereby condemned as forfeited to the use of the United States.

3rd. That unless an appeal be taken to this decree within the time limited and prescribed by law and the rules of court the usual writ of *venditioni exponas* be issued to the marshal, commanding him to sell all of said property and bring the proceeds into this court to be distributed according to law. Costs to be taxed are awarded against said claimants.

Dated 4th October, 1886.

LAFAYETTE DAWSON, *District Judge.*

Done in open court this 4th day of October, 1886, at Sitka, District of Alaska,  
United States of America.

ANDREW T. LEWIS, *Clerk.*

On the same day the following motion was filed :—

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA.**

**UNITED STATES**

*vs.*

**CHARLES SPRING & Co. AND SCHOONER "ONWARD."**

*Motion to set aside Decree.*

Now come W. Clark and D. A. Dingley, proctors intervening for and in behalf of the claimants herein, and moves the court to set aside the decree entered herein for the reason that the evidence produced on behalf of the United States is wholly insufficient upon which to base said decree.

**W. CLARK AND D. A. DINGLEY, Proctors for Claimants.**

Which motion was, by the court, overruled and thereupon the following notice of appeal was filed :

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA.**

**UNITED STATES**

*vs.*

**CHARLES SPRING & Co. AND SCHOONER "ONWARD."**

*Notice of Appeal.*

And now come W. Clark and D. A. Dingley, proctors for and in behalf of the claimants herein, and notifies this honorable court that they hereby appeal from the decree rendered herein to the Circuit Court having appellate jurisdiction over this district and that said appeal is taken on questions of law and fact, and pray the court for an order on its clerk to prepare a complete transcript of the record herein, as the law requires.

**W. CLARK AND D. A. DINGLEY, Proctors for Claimants.**

On the 9th day of February, 1887, was entered the following order :—

**IN THE MATTER OF THE UNITED STATES**

*vs.*

SCHOONER "ONWARD,"	No. 49.
do "THORNTON,"	do 50.
do "CAROLINA,"	do 51.
do "SAN DIEGO,"	do 52.
ARMS AND AMMUNITION SCHR. "SIERRA,"	do 57.
ARMS AND AMMUNITION SCHR. "CITY OF SAN DIEGO,"	do 58.

In the above causes, upon motion of the attorney for the United States and argument of counsel for the United States and for the interveners in said causes, and consideration by the court, it is this day ordered that writs of *venditioni exponas* do issue from the clerk of the said court to the marshal of the said district, for the sale of the attached vessels, with their tackle, cargoes and furniture of whatsoever description, and of the arms and ammunition attached in said causes; and as to said attached vessels that the sale of the same (except the schooner "San Diego," which shall be sold at Sitka) shall be made at Port Townsend, in the district of Washington Territory, and as to the seal skins, part of the cargoes of said vessels attached, that sale of the same shall be made at San Francisco, in the district of California, and that sale of said schooner "San Diego," and all the other attached property be

made at Sitka, in the district of Alaska. Thirty days' notice of such sales to be given at each of the places where the same are to be made, by posting such notice, or by publication in some newspaper published at such places respectively. And that said marshal do have the moneys arising from such sales, together with the writ commanding the same, at a district court of the United States for this, the said district of Alaska, to be held on the first Monday of September, 1887, and that he then pay the same to the clerk of said court.

CLERK'S OFFICE, U. S. DISTRICT COURT, DISTRICT OF ALASKA,  
SITKA, 10th March, 1887.

I, Andrew T. Lewis, clerk of the said court, do certify that the foregoing transcript of the record in the case of the United States *vs.* the schooner "Onward," her tackle, apparel, &c., on libel of information, &c., pending in said court, has been compared by me with the original, and that it is a correct transcript therefrom and of the whole of such original record, except the full text of the exhibits referred to in the testimony therein, the purport of which only is stated, and that the said purport of exhibits is correctly stated, as the same appears of record at my office and in my custody.

[Seal.]

ANDREW T. LEWIS, *Clerk.*

IN THE UNITED STATES DISTRICT COURT, FOR THE DISTRICT OF  
ALASKA.

THE UNITED STATES, LIBELLANT,

*vs.*

THE SCHOONER "THORNTON," HER TACKLE, &c.

*On libel of information for being engaged in the business of killing fur seal in Alaska.*

TRANSCRIPT OF RECORD.

On the 28th day of August, 1886, was filed the following libel of information:—  
IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF ALASKA,  
AUGUST SPECIAL TERM, 1886.

To the Honorable LAFAYETTE DAWSON, Judge of said District Court.

The libel of information of M. D. Ball, attorney for the United States for the district of Alaska, who prosecutes on behalf of the said United States, and being present here in court in his proper person, in the name and on behalf of the said United States, against the schooner "Thornton," her tackle, apparel, boats, cargo and furniture and against all persons intervening for their interest therein, in a cause of forfeiture, alleges and informs as follows:—

That Charles A. Abbey, an officer in the revenue marine service of the United States and on special duty in the waters of the district of Alaska, heretofore, to wit, on the first day of August, 1886, within the limits of Alaska territory and in the waters thereof, and within the civil and judicial district of Alaska, to wit, within the waters of that portion of Behring Sea belonging to the said district, on waters navigable from the sea by vessels of ten or more tons burden, seized the ship or vessel commonly called a schooner, the "Thornton," her tackle, apparel, boats, cargo and furniture, being the property of some person or persons to the said attorney unknown, as forfeited to the United States for the following causes:—

That the said vessel or schooner was found engaged in killing fur seal within the limits of Alaska territory and in the waters thereof, in violation of section 1956 of the Revised Statutes of the United States.

And the said attorney saith that all and singular the premises are and were true and within the admiralty and maritime jurisdiction of this court; and that by reason thereof, and by force of the statutes of the United States in such cases made and pro-

vided, the aforementioned and described schooner or vessel, being a vessel of over twenty tons burden, her tackle, apparel, boats, cargo and furniture, became and are forfeited to the use of the said United States, and that said schooner is now within the district aforesaid.

Wherefore the said attorney prays that the usual process and monition of this honorable court issue in this behalf, and that all persons interested in the before-mentioned and described schooner or vessel may be cited in general and special to answer the premises, and all due proceedings being had, that the said schooner or vessel, her tackle, apparel, boats, cargo and furniture, may for the cause aforesaid, and others appearing, be condemned by the definite sentence and decree of this honorable court, as forfeited to the use of the said United States according to the form of the statute of the said United States in such cases made and provided.

**M. D. BALL**, *United States District Attorney for the District of Alaska.*

Whereupon forthwith issued the following monition :—

**DISTRICT OF ALASKA, SOT.**

The President of the United States of America to the marshal of the district of Alaska, greeting :

Whereas a libel of information hath been filed in the District Court of the United States for the district of Alaska, on the 28th day of August in the year 1886, by **M. D. Ball**, United States attorney for the district aforesaid, on behalf of the United States of America, against the schooner "Thornton," her tackle, apparel, boats, cargo and furniture, as forfeited to the use of the United States for the reasons and causes in said libel of information mentioned, and praying the usual process and monition of the said court in that behalf to be made, and that all persons interested in the said schooner "Thornton," her tackle, apparel, boats, cargo and furniture, &c., may be cited in general and special to answer the premises and all proceedings being had, that the said schooner "Thornton," her tackle, apparel, boats, cargo and furniture may for the causes in the said libel of information mentioned be condemned as forfeited to the use of the United States.

You are therefore hereby commanded to attach the said schooner "Thornton," her tackle, apparel, boats, cargo and furniture, to detain the same in your custody until the further order of the court respecting the same, and to give notice to all persons claiming the same, or knowing or having anything to say why the same should not be condemned and sold pursuant to the prayer of the said libel of information, that they be and appear before the said court to be held in and for the District of Alaska, on the 4th day of October, 1886, at 10 o'clock in the forenoon of the same day, if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to interpose a claim for the same and to make their allegations in that behalf.

And what you shall have done in the premises do you then and there make return thereof together with this writ.

Witness the Honorable Lafayette Dawson, judge of said court, and the seal thereof affixed at the city of Sitka in the District of Alaska, this 28th day of August, in the year of our Lord one thousand eight hundred and eighty-six, and of the Independence of the United States the one hundred and eleventh.

[Seal.]

**ANDREW T. LEWIS**, Clerk.



On 6th September, 1886, was filed the following affidavit:—

**IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT  
OF ALASKA, UNITED STATES OF AMERICA.**

**THE UNITED STATES OF AMERICA**

*vs.*

**THE SCHOONER "THORNTON."**

**UNITED STATES OF AMERICA,** } **SS.**  
*District of Alaska.*

**C. A. ABBEY**, being duly sworn, deposes and says:—

That he is and at all times herein mentioned was, a captain in the United States revenue marine, and in command of the United States revenue cutter "Corwin."

That affiant and the following named officers of said "Corwin" are material and necessary witnesses for the United States in the above entitled action: J. C. Cantwell, lieutenant; J. U. Rhodes, lieutenant; J. H. Douglas, pilot.

That owing to scarcity of provisions and fuel upon said cutter "Corwin," the said "Corwin" and deponent and said witnesses will be obliged to, and are about to go to sea within five days, and out of the district in which the said case is to be tried, and to a greater distance than one hundred miles from the place of trial of said action before the time of said trial:

That there is urgent necessity for taking the depositions of affiant and said witnesses forthwith.

That Hans Guttormsen was master and in possession of said schooner "Thornton" at the time of seizure thereof.

**C. A. ABBEY.**

Subscribed and sworn to before me this }  
6th day of September, 1886.

**ANDREW T. LEWIS, Clerk.**

On the same day was entered the following order:

**IN THE MATTER OF THE UNITED STATES**

*vs.*

**SCHOONER "THORNTON," Case No. 50.**

do	"CAROLINA,"	do	51.
do	"ONWARD,"	do	49.
do	"SAN DIEGO,"	do	52.

In the above entitled actions urgent necessity and good cause appearing therefor from the affidavits of C. A. Abbey, now on motion of M. D. Ball, United States district attorney for Alaska, and counsel for the United States herein, it is ordered that the depositions of the witnesses, C. A. Abbey, J. W. Howison, J. C. Cantwell, J. U. Rhodes, J. H. Douglas, C. T. Winslow, Albert Leaf, C. Wilhelm, Thos. Singleton and T. Lorensen be taken before the clerk of the said District Court on Tuesday, the 7th day of September, 1886, at 7 o'clock, p.m., or as soon thereafter as the matter can be reached, at the office of said clerk, at Sitka, Alaska, and if not completed on said evening, then the taking of said depositions to be continued by said clerk, from time to time, until completed. That notice of the time and place of taking said depositions be served by the marshal of said district on Hans Guttormsen, James Blake, Daniel Munroe and Charles E. Raynor, and upon W. Clark, Esq., attorney at law, on or before 7th September, at 12, m., and that such shall be due and sufficient and reasonable notice of the taking of said depositions.

Done in open court, this 6th day of September, 1886, now at this time W. Clark, Esq., being present in court waives service of notice.

On the 7th day of September, 1886, was filed the following notice and return :—  
**IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT  
 OF ALASKA, UNITED STATES OF AMERICA.**

**THE UNITED STATES OF AMERICA**

*vs.*

**THE SCHOONER "THORNTON."**

To Hans Guttormsen, greeting: You are notified that by order of Lafayette Dawson, judge of said District Court, the depositions of C. A. Abbey, J. O. Cantwell, J. U. Rhodes and J. H. Douglas will be taken before the clerk of said District Court at his office, in Sitka, in said district, on Tuesday, 7th September, 1886, at 7 o'clock p. m., or as soon thereafter as the matter can be reached, and if not completed on said evening, the taking of said depositions will be continued by said clerk, from time to time until completed.

Dated 7th September, 1886.

**ANDREW T. LEWIS, Clerk.**

**UNITED STATES OF AMERICA, } SS.  
 DISTRICT OF ALASKA.**

This is to certify that on the 7th day of September, 1886, before 12 o'clock, noon, of that day, I served the annexed notice on the within named Hans Guttormsen, at Sitka, District of Alaska, by then and there personally delivering to said Hans Guttormsen a copy of said notice; and then and there gave him the privilege of being present at the taking of said depositions.

Dated 9th September, 1886.

**BARTON ATKINS, U. S. Marshal.**

On 10th September, 1886, were filed the following depositions :—

**IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT  
 OF ALASKA, UNITED STATES OF AMERICA.**

**THE UNITED STATES**

*vs.*

**THE SCHOONER "THORNTON."—No. 50.**

Depositions of witnesses sworn and examined before me on the 7th day of September, 1886, at 7 o'clock, p.m., of said day and on 8th and 9th September, 1886, thereafter, at the clerk's office of said court in Sitka, District of Alaska, United States of America, by virtue and in pursuance of the order of said court, made and entered in the above entitled action on September 6th, 1886, directing that the testimony and depositions of said witnesses be taken before me at said first mentioned time and place and at such subsequent times as the taking of the same might be continued to by me, in said action then and there pending in said District Court between the United States as plaintiff and the schooner "Thornton" as defendant, on behalf and at the instance of the said plaintiff, the United States, and upon notice of the time and place of the taking of said depositions, served upon Hans Guttormsen, the captain of the schooner and in possession thereof at time of seizure, and upon W. Clark, Esq., his attorney, the owners thereof being unknown and without the jurisdiction of this court.

Captain C. A. ABBEY, being duly sworn, deposes and says :—

Q. State your name and occupation? A. Captain C. A. Abbey, in the United States revenue marine service, at present in command of the United States revenue Steamer "Corwin" on special duty in Alaskan waters, for the protection of the seal islands and of the Government interests in Alaska generally.

Q. What were you doing and what occurred on the 1st day of August last in the line of your duty? A. I was cruising in Behring Sea about 70 miles south-east from St. George Island in about latitude                      and longitude                      . I found the four boats of the British steam schooner "Thornton," of Victoria, B.C., engaged in killing fur seal. Each boat had in her from three to eight freshly killed seal, arms and ammunition, rowers and hunters who stated that they belonged to the said schooner "Thornton" and were engaged in taking or killing fur seal. Some of them, if not all, were seen shooting at the fur seal which were swimming in their neighborhood. On this evidence I caused the vessel to be seized by Lieut. Cantwell, took her in tow and proceeded with her to Oonalaska where I placed the vessel, cargo, tackle, furniture and appurtenances in charge of Deputy United States Marshal Isaac Anderson of Oonalaska; the cargo of fur seal skins being stored in "Keuch," in one of the warehouses of the Alaska Commercial Company and under seal. One boat of the "Thornton" was sent to Sitka by the schooner San Diego and placed in custody of the United States marshal at Sitka. All of this property is now in the custody of the United States marshal at Sitka, including her arms and ammunition which I brought to Sitka on the "Corwin."

Q. Was this the vessel against which the libel of information is filed? A. It is.

Q. Did this all occur within the waters of Alaska and the Territory of Alaska and within the jurisdiction of this court? A. It did.

Q. Did this occur within the waters of the sea navigable for vessels of ten tons burden or over? A. It did.

C. A. ABBEY.

Subscribed and sworn to before me this }  
9th day of September, A.D. 1886, after }  
having been read over by me to deponent. }

[SEAL]

ANDREW T. LEWIS, *Clerk United States District Court.*

Lieut. John C. CANTWELL, being duly sworn, deposes and says:—

Q. State your name, occupation and age? A. John C. Cantwell, 3rd lieutenant United States revenue marine service, at present on duty United States revenue steamer "Corwin" and over the age of twenty-one years.

Q. Were you so on the 1st day of August last? A. I was.

Q. State what occurred on that day in the line of your duty? A. I saw a small boat on the port bow; we came up to her and found she had about 8 fur seal on board. The men in the boat were armed with breach-loading rifles. In answer to the commanding officer the men admitted they were killing fur seal. Shortly after we picked up a second boat and then sighted the schooner "Thornton." There were dead seal in the second boat. I did not examine the other boats, I was sent on board the schooner, saw Hans Guttormsen apparently acting as captain and Henry Norman as mate. I asked them what they were doing. The captain replied, Catching seals. I signaled this to Captain Abbey, who directed me to seize her, which I did and the "Corwin" took the schooner in tow. The fur seal in the boats were bleeding and must have been killed within a few hours.

Q. How many men were on board of the "Thornton" at the time of seizure? A. About fifteen.

Q. Was this a reasonable number for ordinary purposes of commerce and navigation? A. It was an unusually large number for the size of the vessel.

Q. Do you recognize this paper? A. I do. It is the official inventory made by me of the furniture, tackle, and cargo of the schooner "Thornton." (Inventory embraces the usual furniture, rigging, nautical instruments, boats and stores of a vessel of this class with a cargo of 403 seal skins, 3 seal pup skins and one hair seal skin, and they are receipted for by I. Anderson, Deputy United States marshal, Oonalaska, 14th August, 1886.) The item 403 seal skins mentioned in the inventory are fur seal skins. This inventory gives a full and correct list of all the furniture, tackle and cargo of said vessel, with the exception of the following:—Arms and ammunition, octant and one chronometer. There is one boat belonging to the

"Thornton" that was sent down on the "San Diego" and included in the inventory of the "San Diego. The "Thornton" had four boats.

JOHN C. CANTWELL, *3d Lieut. U. S. R. M.*

Subscribed and sworn to before me this 9th day  
of September, A.D. 1886, after having been  
read over by me to the deponent.

[Seal.]

ANDREW T. LEWIS, *Clerk U. S. Dist. Court.*

JOHN U. RHODES, being duly sworn, deposes and says:—

Q. State your name, age and occupation? A. John U. Rhodes, over 21 years of age and lieutenant in the United States revenue marine and attached to the Revenue steamer "Corwin," and was so on the 1st day of August, 1886.

Q. State what happened on the last named day in connection with the schooner "Thornton"? A. I was on the "Corwin" at the time the "Thornton" was seized on that day. We first picked up a boat bearing the name "Thornton," it had about 8 dead fur seal in it, the men in the boat had breech-loading rifles, we afterwards picked up another boat and then sighted the schooner "Thornton" and went on board and was put in charge of her. We afterwards picked up two more boats, the men in the boats claimed that the boats belonged to the "Thornton" and were put on board of her. There were between 15 and 20 dead fur seal on deck and one hair seal. These seal were most of them bleeding and evidently recently killed. The captain and several of the hunters said they had killed 21, I think it was, fur seals that day, and would have got more if they had had more daylight and if the cutter had not come up.

Q. Do you recognize these papers? A. I do. This paper marked (Ex. "G") is the clearance paper of the schooner "Thornton" (this paper represents the British steam schooner "Thornton," Hans Guttormsen, master, 22-30 tons, navigated with 15 men, bound for the Pacific Ocean, Behring Sea and Okhotsk Sea, on a hunting and fishing voyage, as having cleared from Victoria, British Columbia, 15th May, 1886). This paper marked (Ex. "H") is her bill of health (issued same date and place with clearance). I found these papers in the schooner "Thornton" at the time of seizure and then took possession of them.

Q. What was the list of arms and ammunition found aboard the schooner "Thornton" at the time of seizure? A. 4 rifles, 6 shot guns, 867 shot gun cartridges, 420 rifle gun cartridges, 108 lbs. powder, 1 keg powder, partly filled, 2 bags bullets, 11 bags buck-shot, 5 boxes wads, 3½ boxes primers.

Q. What has become of these arms and ammunition? A. They were delivered to the United States marshal at Sitka and are now in his custody.

JOHN U. RHODES, *Lieut. U. S. R. M.*

Subscribed and sworn to before me this 8th day  
of September, A.D. 1886, after having been  
read over by me to the deponent.

[Seal.]

ANDREW T. LEWIS, *Clerk U. S. Dist. Court.*

JOHN U. RHODES, being duly sworn, deposes and says:—

Q. State your name, age and occupation? A. John U. Rhodes, lieutenant. United States revenue marine, at present on duty on the United States revenue steamer "Corwin," and over the age of 21 years.

Q. State what nautical instruments, if any, were seized on the schooner "Thornton," except such as are included in her general inventory? A. One chronometer, No. 1374, made by Kessels and one octant.

Q. What has become of this property? A. I turned it over to the United States marshal at Sitka, and it is now in his custody.

JOHN U. RHODES.

Subscribed and sworn before me this 9th }  
day of September, A. D. 1886, after having }  
been read over by me to deponent.

[Seal.]

ANDREW T. LEWIS, *Clerk U. S. District Court.*

J. H. DOUGLAS, being duly sworn, deposes and says:—

Q. State your name, age and occupation? A. J. H. Douglas; am over the age of 21 years; am a pilot in the revenue marine service of the United States, and have been so for the seven years last past. I am now, and on the first of August, 1886, was pilot on the revenue steamer "Corwin."

Q. State what occurred on the last named day in connection with the schooner "Thornton?" A. We sighted a boat on our port bow and soon after saw another boat; steamed to the first boat and ordered her to come alongside, which she did. The name "Steamer Thornton" was on the stern of the boat. There were two or three men in the boat with arms, and six or eight dead fur seal which had the appearance of having been lately killed. I asked the men what luck they had had. One of them replied: "We have six or eight, but not as good as some days." We took possession of the boat and contents by order of Captain Abbey. We then picked up the second boat, finding it engaged in the same business; then we sighted a schooner drifting without sail or steam, which proved to be the steam schooner "Thornton." On coming up with her she was seized, by order of Capt. Abbey, and taken in tow. We then picked up two more boats belonging to the "Thornton," having dead fur seal on board. This was in Behring Sea, about 65 miles south-east from St. George's Island, and about 500 or 600 miles to the eastward of the western boundary line of Alaska territory.

Q. State what experience you have had in the fur sealing business, and your knowledge of the habits of the fur seal? A. I have been cruising for more than fifteen years off and on in Alaskan waters, always as an officer or pilot, and have visited the Pribiloff Islands, St. Paul and St. George, several hundred times, and am perfectly familiar with the sealing business as conducted on those islands and understand the migrating habits of the fur seals. From about the 1st of May to about the 1st of July of each year the fur seal is migrating north and mostly through the Unimak and Akutan Passes to these islands for breeding purposes. They go to no other place in the known world except these islands and Copper Island for breeding purposes.

After the breeding season of about a month they begin to migrate south and until November of each year are migrating south through Behring Sea. During this season, from May till November, the fur seal are plenty in the waters adjoining the Pribiloff Islands, and are migrating to and from these islands, and are at all times very plenty between Unimak Pass and said islands, in a track about thirty miles wide, which seems to be their highway to and from said islands. The schooner "Thornton" and her boats when seized were directly on this track.

J. H. DOUGLAS,

Subscribed and sworn to before me this 8th }  
day of September, A. D. 1886, having been }  
read over by me to deponent.

[Seal.]

A. T. LEWIS, *Clerk U. S. District Court.*

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT  
OF ALASKA, UNITED STATES OF AMERICA.

THE UNITED STATES

vs.

THE SCHOONER "THORNTON."—No. 50.

Whereas on the 6th day of September, 1886, the said District Court duly made and entered in the journal of said court an order in the above entitled action, directing that the testimony and depositions of the witnesses: C. A. Abbey, J. C. Cantwell, J. U. Rhodes and J. H. Douglas, be taken before me, the clerk of said court, at the time or times and place and upon such notice as was specified in said order:

Now therefore this is to certify that in pursuance of said order, on 7th September, 1886, at 7 o'clock, p.m., each and all of the above-named witnesses appeared before me at the clerk's office of said court at Sitka, District of Alaska, United States of America; that M. D. Ball, Esq., district attorney of said court and district, and W. H. Payson, Esq., appeared then and there on behalf of and as attorneys and proctors for the United States, the libellant herein; and W. Clark, Esq., then and there appeared on behalf of and as attorney and proctor for the said schooner and her owners herein; and Hans Guttormsen then and there appeared in pursuance of notice served upon him.

That I was unable to complete the taking of said depositions on said 7th day of September, 1886, and I continued the taking thereof on the 8th and 9th of September, 1886, and completed the same on said last named day. That the said parties by their said attorneys and proctors then and there appeared and were present on each of said last named days and at all times during the taking of said depositions. That each of said witnesses was first duly cautioned and sworn by me, then and there, that the evidence he should give in said action should be the truth, the whole truth, and nothing but the truth, and thereafter each of said witnesses was then and there examined before me, and I then and there took down the statement and testimony of each of said witnesses, and reduced the same to writing in his presence, and then and there read the same over to him; and he then and there, after the same had been so reduced to writing and read over to him, subscribed the same in my presence, and swore to the truth thereof.

That the foregoing depositions are the depositions of said witnesses then and there taken before me as aforesaid. That due notice of the taking of said depositions was given as required by said order.

In witness whereof I have hereunto set my hand and the seal of said District Court, this 9th day of September, 1886.

ANDREW T. LEWIS,

*Clerk U. S. Dist. Court in and for the Dist. of Alaska, United States of America.*

On the 20th day of September, 1886, was filed the following claim of master for owner:—

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA.

*In Admiralty.*

In the matter of the libel of information against the schooner "Thornton," her tackle, apparel, furniture and cargo.

*Claim of master for owner.*

And now Hans Guttormsen, master of the schooner "Thornton" intervening for the interest of J. D. Warren, of Victoria, B.C., the owner of the said schooner "Thornton," her tackle, apparel, furniture and cargo, as set forth in the libel of information herein, appears before this honorable court and makes claim to the said schooner "Thornton," her tackle, apparel, furniture, and cargo, as set forth in the said libel of information and as the same are attached by the marshal under process

of this court at the instance of M. D. Bail, Esq., United States district attorney for the District of Alaska.

And the said Hans Guttormsen avers that the said J. D. Warren was in possession of the said schooner at the time of the attachment thereof.

And that the said J. D. Warren above named is the true and *bona fide* owner of the said schooner, her tackle, apparel, cargo and furniture as seized by the said marshal as aforesaid and that no other person is the owner thereof. Wherefore he prays to defend accordingly.

HANS GUTTORMSEN.

Subscribed and sworn to before me this }  
18th day of September, A. D. 1886. }

ANDREW T. LEWIS, Clerk of the U. S. Dist. Court for the District of Alaska.

[Seal.]

W. CLARK and D. A. DINGLEY, Proctors for Claimant.

On the same day was filed the following amended libel of information:—

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT OF ALASKA,  
UNITED STATES OF AMERICA.

August Special Term, 1886.

To the Honorable LAFAYETTE DAWSON, Judge of said District Court:—

The amended libel of information of M. D. Ball, attorney for the United States for the District of Alaska, who prosecutes on behalf of said United States, and being present here in court in his own proper person, in the name and on behalf of the said United States, alleges and informs as follows, to wit:—

That C. A. Abbey, an officer in the revenue marine service of the United States, duly commissioned by the President of the United States, in command of the United States revenue cutter "Corwin," and on special duty in the waters of the District of Alaska heretofore, to wit, on the 1st day of August, 1886, within the limits of Alaska Territory and in the waters thereof and within the civil and judicial district of Alaska, to wit, within the waters of that portion of Behring Sea belonging to the United States and said district, on waters navigable from the sea by vessels of ten or more tons burden, seized the schooner "Thornton," her tackle, apparel, boats, cargo and furniture, being the property of some person or persons unknown to said attorney. The said property is more particularly described as follows, to wit:—

1. Schooner "Thornton" of Victoria, B. C., 4 boats with oars, sails and gear; carpenters' and caulking tools and materials; 5 tons of coal, 10 yds. of canvas, clock, chronometer, nautical instruments, provisions, sails and running gear, ropes, twine, lamps, oil, casks, buckets, engine and gear, 20 sacks of salt, 403 fur seal skins, 1 hair seal skin, 3 pup seal skins, 4 rifles, 6 shot guns, and arms and ammunition for same, and all other property found upon or appurtenant to said schooner.

That said C. A. Abbey was then and there duly commissioned and authorized by the proper Department of the United States to make said seizure.

That all of said property was then and there seized as forfeited to the United States for the following causes:—

That said vessel, her captain, officers and crew were then and there found engaged in killing fur seals within the limits of Alaska Territory and within the waters thereof, in violation of section 1956 of the Revised Statutes of the United States.

That all the said property, after being seized as aforesaid, was brought into the port of Oonalaska in said territory, and delivered into the keeping of Isaac Anderson, a deputy United States marshal of this district, with the exception of the said arms and ammunition, which latter were brought into the port of Sitka, in said district, and turned over to the United States marshal of this district, and all of said property is now within the judicial district of Alaska, United States of America.

And the said M. D. Ball, attorney as aforesaid, further informs and alleges:— That on the 1st day of August, 1886, Henry Norman, and certain other persons whose names are to said United States attorney unknown, who were then and there engaged on board of the said schooner "Thornton" as seamen and seal-hunters, did, under the direction and by the authority of Hans Guttormsen, then and there master of said schooner, engaged in killing and did kill, in the Territory and District of Alaska, and in the waters thereof, to wit, 20 fur seals, in violation of section 1956 of the Revised Statutes of the United States, in such cases made and provided.

That the said 403 fur seal skins, 3 pup skins, 1 hair seal skin, and other goods so seized on board of said schooner "Thornton" constituted the cargo of said schooner at the time of the killing of said fur seals, and at the time of said seizure.

And said attorney saith that all and singular the premises were and are true and within the admiralty and maritime jurisdiction of the United States and of this honorable court, and that by reason thereof, and by force of the statutes in such cases made and provided, the aforementioned schooner, being a vessel of over 20 tons burden, and her said tackle, apparel, boats, cargo and furniture, became and are forfeited to the use of the United States.

Wherefore the said attorney prays that the usual process and monition of this honorable court issue in this behalf against said schooner and all said hereinbefore described property to enforce the forfeiture thereof, and requiring notice to be given to all persons to appear and show cause, on the return day of said process, why said forfeiture should not be decreed; and that after due proceedings are had, all of said property be adjudged, decreed and condemned as forfeited to the use of the United States; and for such other relief as may be proper in the premises.

Dated 20th September, 1886.

M. D. BALL, *U. S. Dist. Attorney for the District of Alaska.*

On the same day was filed the following demurrer:—

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
ALASKA,

UNITED STATES

vs.

J. D. WARREN AND SCHOONER "THORNTON."

*Demurrer.*

The demurrer of J. D. Warren, claimant of the property proceeded against in the above cause to the information filed herein.

1st. The said claimant by protestation, not confessing all or any of the matters in said amended information contained to be true, demurs thereto and says that the said matters in manner and form, as the same are in the information stated and set forth, are not sufficient in law for the United States to have and maintain their said action for the forfeiture of the property aforesaid.

2nd. The said claimant by protestation denies that this court has jurisdiction to determine or try the question hereby put in issue.

3rd. And that the said claimant is not bound in law to answer the same.

Wherefore the claimant prays that said information may be dismissed with costs.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimant.*

Which demurrer was overruled by the court, and on the same day was filed the following answer:—



IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
ALASKA.

UNITED STATES

vs.

J. D. WARREN AND SCHOONER "THORNTON."

*Answer of Claimant.*

The answer of J. D. Warren, owner and claimant of the said schooner "Thornton," her tackle, apparel, cargo and furniture, as the same are set forth in the information filed herein in behalf of the United States.

And now comes J. D. Warren, claimant as aforesaid, and for answer to the said information against the said schooner "Thornton," her tackle, apparel, furniture and cargo as set forth in said information says that the said schooner "Thornton," her tackle, apparel, furniture and cargo as set forth in the information mentioned, did not nor did any part thereof become forfeited in manner and form as in said information in that behalf alleged, or at all.

Wherefore, the said claimant prays that said information be dismissed with costs to this claimant attached.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimant.*

On the 22nd of September, 1886, were filed the following exceptions to answer :—

UNITED STATES DISTRICT COURT, DISTRICT OF ALASKA, UNITED  
STATES OF AMERICA.

UNITED STATES

vs.

THE SCHOONER "THORNTON."—No. 50.

The said libellant hereby excepts to the sufficiency of the defendant's answer herein, on the following grounds :—

1st. Said answer is not properly or at all verified as required by rule 27 of the United States Admiralty rules ;

2nd. Said answer is not full, explicit or distinct to each or any allegation of the libel herein, as required by said rule ;

3rd. Said answer does not deny or admit any of the allegations of fact in said libel, but merely denies a conclusion of law.

21st September, 1886.

M. D. BALL AND W. H. PAYSON, *Proctors for Libellant.*

Which exceptions were sustained by the court, and on the same day was filed the following amended answer :—

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
ALASKA.

UNITED STATES

vs.

J. D. WARREN AND SCHOONER "THORNTON."

*Amended Answer.*

To the Honorable LAFAYETTE DAWSON, Judge of the United States District Court for the District of Alaska.

Hans Guttormsen, master of the schooner "Thornton," intervening for the interest of and in behalf of J. D. Warren, owner and claimant of said schooner

"Thornton," her tackle, apparel, furniture and cargo for amended answer to the libel of information herein, against said schooner, her tackle, apparel, furniture and cargo, alleges as follows :—

1st. That he denies each and every material allegation in said libel of information contained ;

2nd. Denies that the said schooner "Thornton," her tackle, apparel, furniture, cargo, and the property appertaining thereto as set forth and described in said libel of information or any part thereof became forfeited to the United States ;

3rd. Denies that said schooner, her captain, officers and crew or any one of them were found engaged in killing fur seal within the limits of Alaska Territory and within the waters thereof in violation of section 1956 of the Revised Statutes of the United States as set forth in said libel of information or at all ;

4th. Denies that they killed any number of fur seal or other fur bearing animals within the waters of Alaska or the Territory of Alaska or in any part thereof.

5th. That all and singular the premises herein are true.

Wherefore said master prays that this honorable court will be pleased to pronounce against the libel herein and that the same may be dismissed with costs to the claimants to be taxed.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimant.*

UNITED STATES, }  
District of Alaska. } SS.

Hans Guttormsen being first duly sworn, says he is master of the schooner "Thornton," that he has heard read the foregoing answer and knows the contents thereof and that the same is true of his own personal knowledge.

H. GUTTORMSEN.

Subscribed and sworn to before me this }  
22nd day of September, A.D. 1886. }

ANDREW T. LEWIS, *Clerk of the U. S. Dist. Court for the District of Alaska.*

On the 4th day of October, 1886, the motion cited, page 5, was returned with the following endorsement :—

SITKA, }  
District of Alaska. } SS.

Be it remembered, that, in obedience to the annexed monition, I have attached the within described property and now hold the same in my possession subject to the order of this honorable court ;

And I have given due notice to all persons claiming said property to be and appear before this District Court on the 4th day of October, 1886, at 10 o'clock, a.m., if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to make their claims and allegations in that behalf :—

And I have caused said notice to be published, and the same has been published in the *Alaskan*, a newspaper published at Sitka in said district, on the 4th day of September, 1886, and in each issue of said newspaper subsequent thereto, until 4th day of October, 1886.

SITKA, ALASKA, 4th October, 1886.

BARTON ATKINS, *Marshal, Dist. of Alaska.*

On the same day was filed the following decree :—

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT  
OF ALASKA, UNITED STATES OF AMERICA.

UNITED STATES

vs.

THE SCHOONER "THORNTON."—No. 50.

The marshal having returned on the monition issued to him in the above entitled action that in obedience thereto he has attached the said schooner "Thornton,"

her tackle, apparel, boats, cargo and furniture, and has given due notice to all persons claiming the same to appear before this court on this 4th day of October, 1886, at 10 o'clock, a.m., at the District of Alaska, United States of America, then and there to interpose their claims and make their allegations in that behalf; and Hans Guttormsen, the captain of said vessel, having heretofore filed a claim to all of said property on behalf of J. D. Warren, of Victoria, B. C., the owner thereof, and no other persons having appeared and no claims or allegations having been made or filed herein by any other person or persons, and the usual proclamation having been made, and said cause having been heard upon the pleadings and proofs, M. D. Ball, Esq., and W. H. Payson, Esq., appearing as advocates for said libellant, and W. Clark as advocate for said claimant; and said cause having been submitted to the court for decision, and due deliberation being had in the premises, it is now ordered, sentenced and decreed, as follows:—

1st. That all persons whatsoever, other than said claimant, be and they are hereby declared in contumacy and default.

2nd. That the said schooner "Thornton," her tackle, apparel, boats and furniture and her cargo of 403 fur seal skins, and all other property found upon and appurtenant to said schooner, be and the same are hereby condemned as forfeited to the use of the United States.

3rd. That unless an appeal be taken to this decree within the time limited and prescribed by law and the rules of this court, the usual writ of *venditioni exponas* be issued to the marshal commanding him to sell all of the said property and bring the proceeds into this court to be distributed according to law. Costs to be taxed are awarded against said claimant.

Dated 4th October, 1886.

LAFAYETTE DAWSON, *District Judge.*

Done in open court this 4th day of October, 1886, at Sitka, District of Alaska, United States of America.

*Clerk.*

On the same day was filed the following motion to set aside decree:—

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
ALASKA.

UNITED STATES

*vs.*

J. D. WARREN AND SCHOONER "THORNTON."

*Motion to set aside Decree.*

Now come W. Clark and D. A. Dingley, proctors intervening for and in behalf of the claimant herein, and moves the court to set aside the decree rendered herein for the reason that the evidence produced on behalf of the United States is wholly insufficient upon which to base said decree.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimant.*

Which motion was overruled by the court, and on the same day was filed the following notice of appeal:

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
ALASKA.

UNITED STATES

*vs.*

J. D. WARREN AND SCHOONER "THORNTON."

*Notice of Appeal.*

And now come W. Clark and D. A. Dingley, proctors for and in behalf of the claimant herein and notifies this honorable court that they hereby appeal from the

decree rendered herein to the Circuit Court having appellate jurisdiction over this district, and that said appeal is taken on questions of law and fact, and prays the court for an order on its clerk to prepare a complete transcript of the record herein, as the law requires.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimant.*

On the 9th day of February, 1887, was entered the following order:—

IN THE MATTER OF THE UNITED STATES

vs.

SCHOONER "ONWARD,"	Case No. 49.
do "THORNTON,"	do 50.
do "CAROLINA,"	do 51.
do "SAN DIEGO,"	do 52.
ARMS AND AMMUNITION SOHR. "SIERRA,"	do 57.
ARMS AND AMMUNITION SOHR. "SAN DIEGO,"	do 58.

In the above causes, upon motion of the attorney for the United States and argument of counsel for the United States and for the interveners in said causes, and consideration by the court, it is this day ordered that writs of *venditioni exponas* do issue from the clerk of said court to the marshal of said district, for the sale of the attached vessels, with their tackle, cargoes and furniture of whatsoever description, and of the arms and ammunition attached in said causes; and as to said attached vessels that the sale of the same (except the schooner "San Diego," which shall be sold at Sitka) shall be made at Port Townsend in the district of Washington Territory, and as to the seal skins, part of the cargoes of said vessels attached, that sale of the same shall be made at San Francisco, in the district of California, and that the sale of said schooner "San Diego," and all the other attached property be made at Sitka in the district of Alaska. Thirty days' notice of such sale to be given at each of the places where the same are to be made, by posting such notice, or by publication in some newspaper published at such places respectively. And that said marshal do have the moneys arising from such sales, together with the writ commanding the same, at a district court of the United States for this, the said district of Alaska, to be held on the first Monday in September, 1887, and that he then pay the same to the clerk of said court.

CLERK'S OFFICE, U. S. DISTRICT COURT, DISTRICT OF ALASKA,  
SITKA, 10th March, 1887.

I, Andrew T. Lewis, clerk of the said court, do certify that the foregoing transcript of the record in the case of the United States vs. the schooner "Thornton," her tackle, apparel, &c., on libel of information pending in said court, has been compared by me with the original, and that it is a correct transcript therefrom and of the whole of such original, except the full text of the exhibits referred to in the testimony therein, the purport of which only is stated, and that the purport of said exhibits is correctly stated, as the same appears of record at my office and in my custody.

Witness my hand and the seal of said court this 10th day of March, 1887.

[Seal.]

ANDREW T. LEWIS, *Clerk.*

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
ALASKA.

THE UNITED STATES, LIBELLANT,

vs.

THE Schooner "CAROLINA," HER TACKLE, &c.

On libel of information for being engaged in the business of killing fur-seal in Alaska.

TRANSCRIPT OF RECORD.

On the 28th day of August, 1886, was filed the following libel of information:—

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF ALASKA.  
AUGUST SPECIAL TERM, 1886.

To the Honorable LAFAYETTE DAWSON, Judge of said District Court :

The libel of information of M. D. Ball, attorney for the United States for the District of Alaska, who prosecutes on behalf of said United States, and being present here in court in his proper person, in the name and on behalf of the said United States, against the schooner "Carolina," her tackle, apparel, boats, cargo and furniture and against all persons intervening for their interest therein, in a cause of forfeiture, alleges and informs as follows :—

That Charles A. Abbey, an officer in the revenue marine service of the United States and on special duty in the waters of the District of Alaska, heretofore, to wit, on the first day of August, 1886, within the limits of Alaska Territory and in the waters thereof, and within the civil and judicial district of Alaska, to wit, in the waters of that portion of Behring Sea belonging to said district, on waters navigable from the sea by vessels of ten or more tons burden, seized the ship or vessel commonly called a schooner, the "Carolina," her tackle, apparel, boats, cargo and furniture, being the property of some person or persons to said attorney unknown, as forfeited to the use of the United States for the following causes :

That the said vessel was found engaged in killing fur seal within the limits of Alaska Territory and in the waters thereof, in violation of section 1956 of the Revised Statutes of the United States.

And the said attorney saith that all and singular the premises are and were true and within the admiralty and maritime jurisdiction of this court; and that by reason thereof, and by force of the statutes of the United States in such cases made and provided, the aforementioned and described schooner or vessel, being a vessel of over twenty tons burden, her tackle, apparel, boats, cargo and furniture, became and are forfeited to the use of the said United States, and that said schooner is now within the district aforesaid.

Wherefore the said attorney prays that the usual process and monition of this honorable court issue in this behalf, and that all persons interested in the beforementioned and described schooner or vessel, may be cited in general and special to answer the premises, and all due proceedings being had, that the said schooner or vessel, her tackle, apparel, boats, cargo and furniture, may for the causes aforesaid, and others appearing, be condemned by the definite sentence and decree of this honorable court, as forfeited to the use of the said United States according to the form of the statutes of the said United States in such case made and provided.

M. D. BALL, *U. S. Dist. Attorney for the Dist. of Alaska.*

Thereupon issued forthwith the following monition :—

DISTRICT OF ALASKA, SOT.

The President of the United States to the marshal of the District of Alaska, greeting :

Whereas a libel of information hath been filed in the District Court of the United States for the District of Alaska, on the 28th day of August, in the year 1886, by M. D. Ball, United States attorney for the district aforesaid, on behalf of the United States of America, against the schooner "Carolina," her tackle, apparel, boats, cargo and furniture, as forfeited to the use of the United States for the reasons and causes in the said libel of information mentioned, and praying the usual process and monition of the said court in that behalf to be made, and that all persons interested in the said schooner "Carolina," her tackle, apparel, boats, cargo and furniture, &c., may be cited in general and special to answer the premises and all proceedings being had, that the said schooner "Carolina," her tackle, apparel, boats, cargo and furniture may, for the causes in the said libel of information mentioned, be condemned as forfeited to the use of the United States.

You are therefore hereby commanded to attach the said schooner "Carolina," her tackle, apparel, boats, cargo and furniture, to detain the same in your custody

until the further order of the court respecting the same, and to give notice to all persons claiming the same, or knowing or having anything to say why the same should not be condemned and sold pursuant to the prayer of the said libel of information, that they be and appear before the said court to be held in and for the District of Alaska, on the 4th day of October, 1886, at 10 o'clock in the forenoon of the same day, if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to interpose a claim for the same and to make their allegations in that behalf.

And what you shall have done in the premises do you then and there make return thereof together with this writ.

Witness the Honorable Lafayette Dawson, judge of said court, and the seal thereof affixed at the city of Sitka, in the district of Alaska, this 28th day of August, in the year of Our Lord one thousand eight hundred and eighty-six and of the Independence of the United States the one hundred and eleventh.

[Seal.]

ANDREW T. LEWIS, *Clerk.*

On the 6th day of September, 1886, was filed the following affidavit:—

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT  
OF ALASKA, UNITED STATES OF AMERICA.

THE UNITED STATES OF AMERICA

vs.

THE SCHOONER "CAROLINA."

UNITED STATES OF AMERICA, }  
District of Alaska. } SS.

C. A. ABBEY, being duly sworn, deposes and says:—

That he is, and at all times hereinafter mentioned was, captain in the United States revenue marine, and in command of the United States revenue cutter "Corwin."

That affiant and the following named officers and men of said "Corwin" are material and necessary witnesses for the United States in the above entitled action; to wit:—J. C. Cantwell, lieutenant; Thos. Singleton, seaman; J. U. Rhodes, lieutenant; T. Lorensen, seaman; and J. H. Douglas, pilot.

That owing to scarcity of provisions and fuel upon said "Corwin," the said "Corwin" and deponent and said witnesses will be obliged to, and are about to go to sea within five days, and out of the district in which the said case is to be tried, and to a greater distance than one hundred miles from the place of trial of said action before the time of said trial;

That there is urgent necessity for taking the depositions of affiant and said witnesses forthwith.

That James Blake was mate of said schooner at the time of its seizure, and is the only person or officer of said schooner now within the jurisdiction of this court, or upon whom service of notice can be made as affiant is informed and believes.

C. A. ABBEY.

Subscribed and sworn to before me this }  
6th day of September, 1886. }

ANDREW T. LEWIS, *Clerk.*

On the same day was entered the following order:—

IN THE MATTER OF THE UNITED STATES

vs.

SCHOONER "THORNTON,"	Case No. 50.
do "CAROLINA,"	do 51.
do "ONWARD,"	do 49.
do "SAN DIEGO,"	do 52.

In the above entitled actions urgent necessity and good cause appearing therefor from the affidavits of C. A. Abbey, now on motion of M. D. Ball, United States district attorney for Alaska, and counsel for the United States herein, it is ordered that the depositions of the witnesses, C. A. Abbey, J. W. Howison, J. C. Cantwell, J. U. Rhodes, J. H. Douglas, C. T. Winslow, Albert Leaf, C. Wilhelm, Thos. Singleton and T. Lorensen be taken before the clerk of the said District Court, on Tuesday, the 7th day of September, 1886, at 7 o'clock, p.m., or as soon thereafter as the matter can be reached, at the office of said clerk, at Sitka, Alaska, and if not completed on said evening, then the taking of said depositions to be continued by said clerk, from time to time, until completed. That notice of the time and place of taking said depositions be served by the marshal of said district on Hans Guttormsen, James Blake, Daniel Monroe and Charles E. Raynor, and upon W. Clark, Esq., attorney at law, on or before 7th September, at 12, m., and that such shall be due and sufficient and reasonable notice of the taking of said depositions.

Done in open court this 6th day of September, 1886, now at this time W. Clark, Esq., being present in court waives service of notice.

On the 7th day of September, 1886, was filed the following notice and return thereof:—

**IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT  
OF ALASKA, UNITED STATES OF AMERICA.**

**THE UNITED STATES**

*vs.*

**THE SCHOONER "CAROLINA."**

To James Blake, greeting: You are notified that by order of Lafayette Dawson, judge of said District Court, that the depositions of C. A. Abbey, J. C. Cantwell, J. U. Rhodes and J. H. Douglas will be taken before the clerk of said District Court at his office, at Sitka, in said District, on Tuesday, 7th September, 1886, at 7 o'clock, p. m., or as soon thereafter as the matter can be reached, and if not completed on said evening, the taking of said depositions will be continued by said clerk from time to time until completed.

Dated 7th September, 1886.

**ANDREW T. LEWIS, Clerk.**

**UNITED STATES OF AMERICA, } SS.  
DISTRICT OF ALASKA.**

This is to certify that on the 7th day of September, 1886, before 12 o'clock, noon; of that day, I served the annexed notice on the within named James Blake, at Sitka, District of Alaska, by then and there personally delivering to said James Blake a copy of said notice. And then and there gave him the privilege of being present at the taking of said depositions.

Dated 9th September, 1886.

**BARTON ATKINS, U. S. Marshal.**

On the 9th day of September, 1886, were filed the following depositions:—

**IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT  
OF ALASKA, UNITED STATES OF AMERICA.**

**THE UNITED STATES OF AMERICA**

*vs.*

**THE SCHOONER "CAROLINA."—No. 51.**

Depositions of witnesses sworn and examined before me on the 7th day of September, A.D. 1886, at 7 o'clock, p.m., of said day, and on 8th and 9th September, 1886, thereafter, at the clerk's office of said court in Sitka, District of Alaska, United

States of America, by virtue and in pursuance of the order of said court, made and entered in the above entitled action on 6th September, 1886, directing that the testimony and depositions of said witnesses be taken before me at said first mentioned time and place and at such subsequent time as the taking of the same might be continued to by me, in said action then and there pending in said District Court between the United States as plaintiff and the schooner "Carolina" as defendant, on behalf of and at the instance of the said plaintiff, the United States, and upon notice of the time and place of taking of said depositions, served upon James Blake, the mate of said schooner, he being the only officer of schooner upon whom service could be made, and upon W. Clark, Esq., his attorney, the owners of said schooner being unknown and without the jurisdiction of this court.

Capt. C. A. ABBEY, being duly sworn, deposes and says:—

Q. State your name and occupation? A. Captain C. A. Abbey, in the United States revenue marine service, at present in command of the United States revenue steamer "Corwin" on special duty in Alaskan waters, for the protection of the seal islands and of the Government interests in Alaska generally.

Q. What were you doing and what occurred on the 1st of August last in the line of your duty? A. Cruising in Behring Sea, about 75 miles south south-east from St. George's Island and I found the British schooner "Carolina," of Victoria, British Columbia, drifting with sails down. Her boats were absent and she was evidently a sealer. I saw dead seal lying upon her forward deck, inquired of the schooner in which direction her boats were.

I then ordered her to be seized by Lieut. Cantwell for killing fur seal in the waters of Alaska, took her in tow and proceeded to hunt up her boats, all four of which I found with freshly killed fur seal in them, arms, ammunition and hunters, some of whom I saw shooting at the seal in the water. These boats all went on board the "Carolina." On this evidence I caused the vessel to be seized by Lieut. Cantwell, I took her in tow and proceeded with her to Oonalaska where I placed the vessel, tackle, cargo, furniture and appurtenances in charge of Deputy United States Marshal Isaac Anderson, of Oonalaska; the cargo of fur seal skins being stored in "Keuch," in one of the warehouses of the Alaska Commercial Company and under seal. The arms and ammunition of this vessel I took on board the "Corwin" and brought to Sitka and delivered into the custody of the United States marshal there.

The vessel, tackle, furniture and cargo are now in the custody of the United States marshal of this district.

Q. Was this the vessel against which this libel of information is filed? A. It is.

Q. Did this all occur within the waters of Alaska and the Territory of Alaska and within the jurisdiction of this court? A. It did.

Q. Did this occur within the waters of the sea navigable for vessels of (10) ten tons burdens or over? A. It did.

C. A. ABBEY.

Subscribed and sworn to before me this 9th day  
of September, A.D. 1886, after having been  
read over by me to deponent.

ANDREW T. LEWIS, Clerk.

Lieut. JOHN C. CANTWELL, being duly sworn, deposes and says:—

Q. State your name, occupation and age? A. John C. Cantwell, 3rd lieutenant, United States revenue marine service, at present on duty on the United States revenue steamer "Corwin" and over the age of twenty-one years.

Q. Were you so on the 1st day of August last? A. I was.

Q. State what occurred on that day in the line of your duty? A. A schooner was sighted from the "Corwin" and I was directed by Capt. Abbey to board her. I found her to be the schooner "Carolina," of Victoria, British Columbia, James Ogilvie, captain, and James Blake, mate. I saw dead seal upon her deck and the captain admitted that he was engaged in taking seal and that four of the schooner's boats were at the time absent from the vessel engaged in killing seals. I signalled



this fact to Captain Abbey and he directed me to seize the vessel which I did and the "Corwin" took us in tow.

Q. Do you recognize these papers? A. I do. This paper marked (Ex. "I") is the certificate of registry of the schooner "Carolina," of Victoria, B.C. (Said certificate is dated 21st March, 1870, and represents said schooner as of 31·90 tons burden and owned by Francis Armstrong, of Victoria, B.C.) This paper marked (Ex. "J") is the bill of health of the said schooner. (Said bill of health is dated at Victoria, B.C., 19th May, 1886, and represents said schooner "Carolina" as then ready to depart for Behring Sea and Okhotsk Sea and other places beyond the sea, with James Ogilvie, master, and eleven persons including said master.) This paper marked (Ex. "K") is the coasting license of said schooner. (Said license is in the usual form, to James Ogilvie, master of the schooner "Carolina," dated at Victoria, B.C., 16th Feb., 1886, and in terms expires on the 30th day of June, 1886.) This paper marked (Ex. "L") is the clearance of the said schooner. (Said clearance is for said schooner as of 31·90 tons, navigated with eleven men, James Ogilvie, master, bound for Pacific Ocean, Behring Sea and Okhotsk Sea, on a fishing and hunting voyage, and is dated at Victoria, B.C., 19th May, 1886.) All of which papers were found on board of the "Carolina" at the time of seizure, and taken possession of by me.

Q. State how many men the "Carolina" had on board as crew when seized? A. Thirteen or fourteen.

Q. State whether this is a reasonable number of men for ordinary purposes of commerce and navigation? A. It is an unusually large number for that purpose on a vessel of that size.

JOHN C. CANTWELL, 3rd Lieut., U.S.R.M.

Subscribed and sworn to before me this 9th day }  
of September, A. D. 1886, after having }  
been read over by me to deponent.

[Seal.]

ANDREW T. LEWIS, Clerk U. S. District Court.

JOHN U. RHODES, being duly sworn, deposes and says:—

Q. State your name, age and occupation? A. John U. Rhodes, lieut. United States revenue marine, at present on duty on the United States revenue steamer "Corwin," and over the age of 21 years.

Q. State what arms and ammunition was seized on the schooner "Carolina" at the time of her seizure? A. 4 rifles, 1 musket, 5 shot guns, 171 shot gun cartridges, 353 rifle cartridges, 14½ bags buck-shot, ½ bag of bullets, 40 bags of wads, 21 boxes wads, 13 boxes primers, 1½ boxes of caps, 91 lbs. powder.

Q. Were there any nautical instruments seized on the "Carolina" except what is included in the general inventory? A. 1 octant, 1 quadrant.

Q. What has become of this property? A. It has all been delivered to the United States marshal at Sitka, and is now in his custody.

JOHN U. RHODES.

Subscribed and sworn to before me this 9th day }  
of September, A. D. 1886, after having been }  
read over by me to deponent.

[Seal.]

ANDREW T. LEWIS, Clerk U. S. District Court.

J. H. DOUGLAS, being duly sworn, deposes and says:—

Q. State your name, age and occupation? A. J. H. Douglas, am over the age of 21 years, am a pilot in the revenue marine service of the United States, and have been so for 7 years last past. I am now, and on the first of August, 1886, was, pilot on the revenue Steamer "Corwin."

Q. State what experience you have had in the fur sealing business and your knowledge of the habits of the fur seal? A. I have been cruising for more than 15 years off and on in Alaskan waters always as an officer or pilot and have visited the

Pribiloff Islands, St. Paul and St. George several hundred times, and am perfectly familiar with the sealing business as conducted on those islands, and understand the migrating habits of the fur seal. From about the first of May to about the first of July of each year the fur seal is migrating north through the Unimak and Akutan Passes to these islands for breeding purposes. They go to no other place in the known world except these islands and Copper Island for breeding purposes. After the breeding season of about a month they begin to migrate south, and until into November of each year are migrating south through Behring Sea. During this season, from May till November, the fur seal are plenty in the waters adjacent to the Pribiloff Islands, are migrating to and from these islands, and are at all times very plenty between Unimak Pass and said islands in a track about 30 miles wide, which seems to be their highway to and from said islands. The schooner "Carolina" and her boats when seized were directly in this track. I was present at time of seizure.

J. H. DOUGLAS.

Subscribed and sworn to before me this 9th }  
day of September, A.D. 1886, after hav- }  
ing been read over by me to deponent. }

[Seal.]

ANDREW T. LEWIS, *Clerk U. S. Dist. Court.*

THOMAS SINGLETON, being duly sworn, deposes and says:—

Q. State your name, age and occupation? A. Thomas Singleton, am over the age of 21 years, and am a seaman. Was employed on the steamer "Corwin" on the 1st day of August, 1886, when the "Carolina" was seized. I was sent on board the "Carolina" right after the seizure and saw a number of dead fur seal on deck and some of them had blood on them. Saw also some fresh fur seal skins in the boats.

THOMAS SINGLETON.

Subscribed and sworn to before me this 8th }  
day of September, 1886, after having }  
been read over by me to deponent. }

[Seal.]

ANDREW T. LEWIS, *Clerk U. S. Dist. Court.*

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT  
OF ALASKA, UNITED STATES OF AMERICA.

THE UNITED STATES

vs.

THE SCHOONER "CAROLINA."—No. 51.

Whereas on the 6th day of September, 1886, the said District Court duly made and entered in the journal of said court an order in the above entitled action directing that the testimony and depositions of the witnesses: C. A. Abbey, J. J. Cantwell, J. U. Rhodes, J. H. Douglas and Thos. Singleton be taken before me, the clerk of said court, at the time or times and place and upon such notice as are specified in said order:

Now therefore this is to certify that in pursuance of said order, on 7th September, 1886, at 7 o'clock, p.m., each and all of the above-named witnesses appeared before me at the clerk's office of said court at Sitka, District of Alaska, United States of America; that M. D. Ball, Esq., district attorney of said court and district, and W. H. Payson, Esq., appeared then and there on behalf of and as attorneys and proctors for the United States, the libellant herein; and W. Clark, Esq., then and there appeared on behalf of and as attorney and proctor for the said schooner and her owners, and James Blake then and there appeared in pursuance of notice served upon him.

That I was unable to complete the taking of said depositions on said 7th day of September, 1886, and I continued the taking thereof on the 8th and 9th of September,

1886, and completed the same on said last named day. That the said parties, by their said attorneys and proctors, then and there appeared and were present on each of said last named days, and at all times during the taking of said depositions. That each of said witnesses was then and there first duly cautioned and sworn by me, that the evidence he should give in said action, should be the truth, the whole truth, and nothing but the truth, and thereafter each of said witnesses was then and there examined before me, and I then and there took down the statement and testimony of each of said witnesses, and reduced the same to writing in his presence, and then and there read the same over to him; and he then and there, after the same had been so reduced to writing and read over to him, subscribed the same in my presence, and swore to the truth thereof.

That the foregoing depositions are the depositions of said witnesses then and there taken before me as aforesaid. That due notice of the taking of said depositions was given as required by said order.

In witness whereof I have hereunto set my hand and the seal of said district court this 9th day of September, 1886.

[L.S.]

ANDREW T. LEWIS, *Clerk of the United States District Court in and for the District of Alaska, United States of America.*

On the 20th September, 1886, was filed the following amended libel of information:—

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT OF ALASKA,  
UNITED STATES OF AMERICA.

August Special Term, 1886.

To the Honorable LAFAYETTE DAWSON, Judge of said District Court.

The amended libel of information of M. D. Ball, attorney for the United States, for the district of Alaska, who prosecutes on behalf of said United States and being present here in court in his own proper person, in the name and on behalf of the said United States, alleges and informs as follows, to wit:—

That C. A. Abbey, an officer in the revenue marine service of the United States, duly commissioned by the President of the United States, in command of the United States revenue cutter "Corwin," and now on special duty in the waters of the district of Alaska heretofore, to wit, on the 1st day of August, 1886, within the limits of Alaska Territory, and in the waters thereof, and within the civil and judicial district of Alaska, to wit, within the waters of that portion of Behring Sea belonging to the United States and said district, on waters navigable from the sea by vessels of ten or more tons burden, seized the schooner "Carolina," her tackle, apparel, boats, cargo and furniture, being the property of some person or persons unknown to said attorney. The said property is more particularly described as follows, to wit:—

1 Schooner "Carolina" of Victoria, B.C., 4 canoes, 1 yawl, carpenters' tools, clock, chronometer, nautical instruments, sails and running gear, 2 anchors, ropes, twine, oars, paddles, rowlocks, &c., lamps, tanks, provisions, 685 fur seal skins, 12 pup seal skins, 1 hair seal skin, 4 rifles, 5 shot guns, and ammunition for same, and all other property found upon or appurtenant to said schooner.

That said C. A. Abbey was then and there duly commissioned and authorized by the proper department of the United States to make said seizure.

That all of said property was then and there seized as forfeited to the United States for the following causes:—

That said vessel, her captain, officers and crew were then and there found engaged in killing fur seals within the limits of Alaska Territory and in the waters thereof, in violation of section 1566 of the Revised Statutes of the United States.

That all the said property, after being seized as aforesaid, was brought into the port of Oonalaska in said territory, and delivered into the keeping of Isaac Anderson, a deputy United States marshal of this district, with the exception of the said arms and ammunition, which latter were brought into the port of Sitka in said dis-

trict and turned over to the United States marshal of this district and all of said property is now within the judicial district of Alaska, United States of America.

And the said M. D. Ball, attorney as aforesaid, further informs and alleges :—

That on the 1st day of August, 1886, James Blake and certain other persons whose names are to said United States attorney unknown, who were then and there engaged on board of the said schooner "Carolina," under the direction and by the authority of James Ogilvie, then and there master of said schooner, engage in killing and did kill, in the territory and district of Alaska, and in the waters thereof, to wit, 20 fur seals, in violation of section 1956 of the Revised Statutes of the United States, in such cases made and provided.

That the said 685 fur seal skins, 12 pup seal skins and 1 hair seal skin, and other goods so seized on board of said schooner "Carolina" constituted the cargo of said schooner at the time of the killing of said fur seals, at the time of said seizure.

And said attorney saith that all and singular the premises were and are true and within the admiralty and maritime jurisdiction of the United States, and of this honorable court, and that by reason thereof, and by force of the statutes in such cases made and provided, the aforementioned schooner, being a vessel of over 20 tons burden, and her said tackle, apparel, boats, cargo and furniture, became and are forfeited to the use of the United States.

Wherefore the said attorney prays that the usual process and monition of this honorable court issue in this behalf against said schooner and all said hereinbefore described property to enforce the forfeiture thereof, and requiring notice to be given to all persons to appear and show cause, on the return day of said process, why said forfeiture should not be decreed; and that after due proceedings are had, all of said property be adjudged decreed and condemned as forfeited to the use of the United States and for such other relief as may be proper in the premises.

Dated 20th September, 1886.

M. D. BALL, *U. S. Dist. Attorney for the District of Alaska.*

On the same day was filed the following claim by proctor for owners :

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA.

*In Admiralty.*

In the matter of the libel of information against the schooner "Carolina," her tackle, apparel, furniture and cargo.

*Claim by Proctor for Owners.*

And now W. Clark, the duly authorized proctor for Munzie & Co., owners of the property above named, intervening for the interest of the said Munzie & Co., of Victoria, B.C., owners of the said schooner "Carolina," her tackle, apparel, furniture and cargo as set forth in the libel of information herein, appears before this honorable court and makes claim to the said schooner "Carolina," her tackle, apparel, cargo and furniture, as set forth in the said libel of information and as the same are attached by the marshal under process of this court at the instance of M. D. Ball, Esq., United States district attorney for the District of Alaska.

And the said W. Clark, proctor as aforesaid, avers that the said Munzie & Co., were in possession of the said schooner "Carolina" at the time of the attachment thereof, and that the said Munzie & Co. above named are the true and *bona fide* owners of the said schooner "Carolina," her tackle, apparel, cargo and furniture as seized by the marshal as aforesaid and that no other person is the owner thereof.

Wherefore he prays to defend accordingly.

W. CLARK.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimant.*

On the same day was filed the following demurrer:—  
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
ALASKA.

UNITED STATES

vs.

MUNZIE & Co. AND SCHOONER "CAROLINA."

*Demurrer.*

The demurrer of Munzie & Co., claimants of the property proceeded against in the above cause to the amended information filed herein.

1st. The said claimant by protestation, not confessing all or any of the matters in said amended information contained to be true, demurs thereto and says that the said matters in manner and form, as the same are in said information stated and set forth, are not sufficient in law for the United States to have and maintain their said action for the forfeiture of the property aforesaid.

2nd. The said claimants by protestation deny that this court has jurisdiction to determine or try the question hereby put in issue.

3rd. And that said claimants are not bound in law to answer the same.

Wherefore the said claimants pray that the said information may be dismissed with costs.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimants.*

Which was overruled by the court.

On the same day was filed the following answer :  
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
ALASKA.

UNITED STATES

vs.

MUNZIE & Co. AND SCHOONER "CAROLINA."

*Answer.*

The answer of Munzie & Co., owners and claimants of the said schooner "Carolina," her tackle, apparel, furniture and cargo, as the same are set forth in the information filed herein in behalf of the United States.

And now come Munzie & Co., claimants as aforesaid and for answer to said information against the said schooner "Carolina," her tackle, apparel and cargo, as set forth in said information, says that the said tackle, apparel and cargo, as set forth in the information mentioned, did not, nor did any part thereof, become forfeited in manner and form as in said information in that behalf alleged, or at all.

Wherefore, the said claimants pray that said information be dismissed with costs to these claimants attached.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimants.*

On 22nd day of September, 1886, were filed the following exceptions to answer :—  
UNITED STATES DISTRICT COURT, DISTRICT OF ALASKA, UNITED  
STATES OF AMERICA.

UNITED STATES

vs.

THE SCHOONER "CAROLINA"—No. 51.

The said libellant hereby excepts to the sufficiency of the defendant's answer herein, on the following grounds :—

1st. Said answer is not properly or at all verified as required by rule 27 of the United States Admiralty rules.

2nd. Said answer is not full, explicit or distinct to each or any allegation of the libel herein, as required by said rule.

3rd. Said answer does not deny or admit any of the allegations of fact in said libel, but merely denies a conclusion of law.

September 21st, 1886.

M. D. BALL AND W. H. PAYSON, *Proctors for Libellant.*

Which exceptions were sustained by the court, and on the same day was filed the following amended answer:—

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
ALASKA.

UNITED STATES

vs.

MUNZIE & Co. AND SCHOONER "CAROLINA."

*In Admiralty—Amended Answer.*

To the Honorable LAFAYETTE DAWSON, Judge of the United States District Court for the District of Alaska.

James Blake, the duly authorized mate of the schooner "Carolina," for Munzie & Co., intervening in the interest of and on behalf of the said Munzie & Co., owners and claimants of said schooner "Carolina," her tackle, apparel, furniture and cargo for amended answer to the libel of information herein against said schooner, her tackle, apparel, furniture and cargo alleges as follows:—

1st. That he denies each and every material allegation in said libel of information contained.

2nd. Denies that the said schooner "Carolina," her tackle, apparel, furniture and cargo, and the property appertaining thereto as set forth in said libel of information or any part thereof became forfeited to the United States.

3rd. Denies that said schooner, her captain, officers and crew or any one of them were found engaged in killing fur seal within the limits of Alaska Territory and within the waters thereof in violation of section 1956 of the Revised Statutes of the United States as set forth in said libel of information or at all.

4th. Denies that they killed any number of fur seal or other fur-bearing animals within the waters of Alaska or within said territory of Alaska, or in any part thereof.

5th. That all and singular the premises herein set forth are true.

Wherefore he prays that this honorable court will be pleased to pronounce against the libel herein, and that the same may be dismissed with costs to these claimants to be taxed.

W. CLARK AND D. A. DINGLEY, *Proctors for Claimants.*

UNITED STATES, }  
DISTRICT OF ALASKA. } SS.

JAMES BLAKE being first duly sworn upon his oath, says:—

I am the mate of said schooner intervening for the within named claimants. That I have read the foregoing answer and know the contents thereof, and that the same is true as I verily believe.

JAMES BLAKE.

Subscribed and sworn to before me this 22nd }  
day of September, A.D. 1886. }

ANDREW T. LEWIS, *Clerk of the U. S. District Court for the District of Alaska.*

On the 4th day of October, 1886, the following return was made to the monition heretofore cited, page 5 :

SITKA, }  
DISTRICT OF ALASKA. } SS.

Be it remembered, that, in obedience to the annexed monition, I have attached the within described property, and now hold the same in my possession, subject to the order of this honorable court ;

And I have given due notice to all persons claiming said property to be and appear before this District Court on the 4th day of October, 1886, at 10 o'clock, a.m., if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to make their claim and allegations in that behalf ;

And I have, as ordered by the said court, caused said notice to be published, and the same has been published in the *Alaskan*, a newspaper published at Sitka, in said district, on the 4th day of September, 1886, and in each issue of said newspaper subsequent thereto, until said 4th day of October, 1886.

BARTON ATKINS, *Marshal, District of Alaska.*

SITKA, ALASKA, 4th October, 1886.

On the same day was filed the following decree:—

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT  
OF ALASKA, UNITED STATES OF AMERICA.

UNITED STATES

vs.

THE SCHOONER "CAROLINA."—No. 51.

The marshal having returned on the monition issued to him in the above entitled action that in obedience thereto he has attached the said schooner "Carolina," her tackle, apparel, boat's cargo and furniture, and has given due notice to all persons claiming the same, to appear before this court on this 4th day of October, 1886, at 10 o'clock, a.m., at the District of Alaska, United States of America, then and there to interpose their claims and make their allegations in that behalf ; and W. Clark, Esq., proctor for Munzie & Co., of Victoria, B.C., having heretofore filed a claim to all of said property on behalf of said Munzie & Co., the owners of said property, and no other persons having appeared, and no claims or allegations having been made or filed herein by any other person or persons, and the usual proclamation having been made, and said cause having been heard upon the pleadings and proofs, M. D. Ball, Esq., and W. H. Payson, Esq., appearing as advocates for said libellant, and W. Clark, Esq., as advocate for said claimants ; and said cause having been submitted to the court for decision, and due deliberation being had in the premises, it is now ordered, sentenced and decreed as follows :—

1st. That all persons whatsoever other than the said claimants be and they are hereby declared in contumacy and default.

2nd. That said schooner "Carolina" her tackle, apparel, boats and furniture, and her cargo of 685 fur seal skins, 12 pup seal skins, and 1 hair seal skin, and all other property found upon or appurtenant to said schooner, be and the same are hereby condemned as forfeited to the use of the United States.

3rd. That unless an appeal be taken to this decree within the time limited and prescribed by law and the rules of court the usual writ of *venditioni exponas* be issued to the marshal commanding him to sell all the said property and bring the proceeds into this court to be distributed according to law. Costs to be taxed are awarded against said claimants.

Dated 4th October, 1886.

LAFAYETTE DAWSON, *District Judge.*

Done in open court this 4th day of October, 1886, at Sitka, District of Alaska,  
United States of America.

*Clerk.*

On the same day was filed the following motion to set aside decree :—  
**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
 ALASKA.**

**UNITED STATES**

*vs.*

**MUNZIE & Co., AND SCHOONER "CAROLINA."**

*Motion to set aside Decree.*

Now come W. Clark and D. A. Dingley, proctors intervening for and in behalf of the claimants herein, and move the court to set aside the decree rendered herein for the reason that the evidence produced on behalf of the United States is wholly insufficient upon which to base the said decree.

**W. CLARK AND D. A. DINGLEY, Proctors for Claimants.**

Which motion was overruled by the court, and on the same day was filed the following notice of appeal :—

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
 ALASKA.**

**UNITED STATES**

*vs.*

**MUNZIE & Co. AND SCHOONER "CAROLINA."**

*Notice of Appeal.*

And now come W. Clark and D. A. Dingley, proctors for and in behalf of the claimants herein and notifies this honorable court that they hereby appeal from the decree rendered herein to the Circuit Court having appellate jurisdiction over this district and that said appeal is taken upon questions of law and fact, and pray the court for an order on its clerk to prepare a complete transcript of the record herein, as the law requires.

**W. CLARK AND D. A. DINGLEY, Proctors for Claimants.**

On the 9th day of February, 1887, was entered the following order :—

**IN THE MATTER OF THE UNITED STATES,**

*vs.*

SCHOONER "ONWARD,"	No. 49.
do "THORNTON,"	do 50.
do "CAROLINA,"	do 51.
do "SAN DIEGO,"	do 52.
ARMS AND AMMUNITION SCHOONER "SIERRA,"	do 57.
do do "CITY OF SAN DIEGO,"	do 58.

In the above causes, upon motion of the attorney for the United States and argument of counsel for the United States and for the interveners in said causes, and consideration by the court, it is this day ordered that writs of *venditioni exponas* do issue from the clerk of said court to the marshal of said district, for the sale of the attached vessels, with their tackle, cargoes and furniture of whatsoever description, and of the arms and ammunition attached in said causes,—And as to said attached vessels that the sale of the same (except the schooner "San Diego," which shall be sold at Sitka) shall be made at Port Townsend, in the District of Washington Territory, and as to the seal skins, part of the cargoes of said vessels attached, that sale of the same shall be made at San Francisco, in the District of California, and that sale of said schooner "San Diego," and all the other attached property be made at Sitka, in the District of Alaska. Thirty days' notice of such sales to be given at each of



the places where the same are to be made, by posting such notice, or by publication in some newspaper published at such places respectively. And that said marshal do have the moneys arising from such sales, together with the writ commanding the same, at a district court of the United States for this, the said District of Alaska, to be held on the first Monday in September, 1887, and that he then pay the same to the clerk of said court.

CLERK'S OFFICE U. S. DIST. COURT, DISTRICT OF ALASKA

SITKA, 10th March, 1887.

I, Andrew T. Lewis, clerk of the United States District Court for the District of Alaska, do certify that the foregoing transcript of the record in the case of the United States *vs.* the schooner "Carolina," her tackle, apparel, &c., on libel of information, pending in said court, has been compared by me with the original, and that it is a correct transcript therefrom and of the whole of said original record, except the full text of the exhibits referred to in the testimony therein, of which the purport only is stated, and that the said purport of said exhibits is correctly stated, as the same appears of record at my office and in my custody.

Witness my hand and the seal of said court the day and year above written.

[Seal.]

ANDREW T. LEWIS, *Clerk.*

## RETURN

(67)

To an ORDER of the HOUSE OF COMMONS, dated 6th June, 1887:—For copies of all surveys, reports and correspondence in connection with the survey of the Straits of Northumberland, with the view of building a sub-way across the straits. Also the names of engineers employed, with detailed account of expenses incurred in said survey during the year 1886.

By Command.

J. A. CHAPLEAU,

OTTAWA, 12th March, 1888.

*Secretary of State,*

OFFICE OF THE CHIEF ENGINEER, OTTAWA, 1st March, 1888.

SIR,—To comply with an Order of the House of Commons of last Session, I beg to send herewith copies of all plans, reports and correspondence in connection with the survey of the Straits of Northumberland on the line of the proposed subway across the Straits.

Also the names of engineers employed, with detailed account of expenses incurred on said survey during the year 1886.

I have the honor to be, sir, your obedient servant,

COLLINGWOOD SCHREIBER, *Chief Engineer and General Manager.*

A. P. BRADLEY, Esq., Secretary, Department of Railways and Canals.

OTTAWA, 10th March, 1886.

DEAR SIR,—Referring to our several interviews respecting the construction of a subway across the Northumberland Strait, between Capes Traverse and Tormentine, I beg to submit for the consideration of the Government the following propositions:

1. The Government is expending annually at Prince Edward Island about \$200,000, *i. e.*, the loss annually on the railway, the cost and maintenance of the "Northern Light," the subsidy to summer steamers, and the expenses of running the ice boats at the Capes. That sum cannot, in my opinion, be decreased, however much it may be increased, as the present state of winter and summer connection is neither satisfactory to the travelling public nor the people of the island.

2. With a view to make the Prince Edward Island Railway and subway remunerative, it will be necessary to build several branches which, from time to time have been prayed for by the people, and which in my opinion are necessary, viz:—

	Miles.
From "O'Leary" to the Western Shore.....	10
" County Line to New London and Rustico.....	20
" Charlottetown or Cardigan to Belfast and Murray Harbor.	30
" Souris to East Point.....	10
	—
	70
	==

These branches would pass through some of the most fertile and populous parts of the island, as well as tap the carrying trade to and from the fisheries of the north and south sides.

3. I am prepared to form a company to build all these branches and take the Prince Edward Island Railway off the hands of the Government, complete the subway across the straits, and work the whole system, finding ample security therefor to the satisfaction of the Government on a tariff subject to the approval of the Governor in Council, thus affording "efficient steam service for the conveyance of mails and passengers daily in winter and summer between the island and the Dominion, and also placing it in continuous communication with the Intercolonial Railway and the railway system of the Dominion."

4. That the Government shall deed to the said company the railway and equipment with a right of way to said subway.

That all material for its construction shall come in free of duty, and the Government shall pay, or cause to be paid to the said company, in half yearly payments, the yearly sum of two hundred and fifty thousand dollars.

Without being in a position to speak for the Government of Prince Edward Island, I may state that in my opinion such an arrangement as I have above proposed would, if not altogether acceptable, go a long way toward a final settlement of the difficulties now existing between the Government of Prince Edward Island and the Dominion of Canada.

All of which is respectfully submitted by

Your obedient servant,

GEORGE W. HOWLAN.

To the Right Honorable Sir JOHN MACDONALD, K.C.B., Premier of Canada.

OTTAWA, 16th August, 1886.

*From Moncton, N. B.*

It has been blowing a gale during the past week so that it has been impossible to make any progress with the soundings of subway, the tug would not haul any better under the circumstances than schooner.

P. S. ARCHIBALD.

SUMMERSIDE, P.E.I., 16th August, 1886.

DEAR SIR,—I beg to submit the following as a report on the subways survey, and the impracticability of pushing the work to a completion this season, based on the observations of the past week.

The schooner left Pictou Monday noon, the 9th inst., for Cape Traverse. She had to put into Charlottetown at midnight on account of it blowing a north-west gale, which continued until Thursday morning (when Mr. McKenzie boarded in Charlottetown). She left there at noon and had to put into Brulé, 38 miles from Pictou on the Nova Scotia coast, in another gale of wind that night. Left there Saturday morning, got up to the capes, but found that it was impossible to work on account of high wind and rough sea; came up here to make harbor, where she has been detained ever since, blowing a gale of wind continually without any sign of abating. It is impossible to make a single boring from anything with such weather as we have had since the schooner left Pictou. One thing is clear that so far a tug would not have been able to do a bit better and the expenses would have been at least  $2\frac{1}{2}$  times as much, without counting labor.

It is certain that we cannot safely count upon making more than 9 borings before the end of September, allowing  $1\frac{1}{2}$  days per week of favorable weather, which is as many as we can expect from all accounts at this season of the year, with either tug or schooner, and this will with schooner and expenses already incurred, cost about \$1,200 at the least calculation. If a tug was employed it would cost upwards of \$2,000.

Captain Philip Irving, a man that Senator Howlan recommended as invaluable and who has made soundings of the straits himself, and acted as pilot for surveying steamers, says this work should not be commenced later than the 1st of June, and that the weather cannot be depended upon any more this season.

If the work must be continued now, the cheapest and quickest way in Captain Irving's opinion is to have two men with a couple of open boats each, with planks from one to the other, and bore between the boats; this is the way we did in Pictou Harbor. We can get a lobster man and boat for about \$2 per day after the 20th inst., when the fishing season closes, and pay them for the days they work only. They could run out whenever the weather was calm just as we did in Pictou, and in stormy weather, there would be no expense except Sargent's and my own expenses at Cape Traverse, which is quite light. I have no doubt whatever but that in this way more work can be done than by either a schooner or tug, for when it is calm enough to work from either of these, the lobster boats could run out from the shore in a short time. We have two sets of boring apparatus, and it would be the best plan to work them both together in this way. The whole thing would only cost about \$8 per day when the work is going ahead, and nothing in stormy weather, excepting our expenses, which, as I have said, would be quite light.

I have the honor to be your obedient servant,

F. G. JONAH.

P. S.—Please answer Cape Traverse and oblige.—F. G. J.

P. S. ARCHIBALD, Esq., Chief Engineer, Intercolonial Railway, Monoton.

MONOTON, N.B., 18th August, 1886.

MY DEAR SIR,—I enclose herewith very discouraging reports from McKenzie and Jonah with reference to the subway borings. It would appear that we have been too late in the season starting the work to do it economically. Perhaps you will postpone it until next season? In the meantime I have ordered the schooner home and instructed Jonah to do what he can with two boats until I hear from you. If you want the work proceeded with we had better engage four boats, as McKenzie suggests.

The news from Jonah was so discouraging that I wired McKenzie to run over from Pictou and see if everything possible was being done to forward the work. I judge from his report that no one could have done better. The written agreement with the captain and owner of schooner provided that not more than 2 days was to be consumed in reaching the place and that vessel could be discharged with one day's notice, so that heavy expenses have been avoided as far as the schooner is concerned.

I am your obedient servant,

P. S. ARCHIBALD.

COLLINGWOOD SCHREIBER, Esq.,

Chief Engineer and General Manager of Government Railways, Ottawa.

SUMMERSIDE, P. E. I., 16th August, 1886.

DEAR SIR,—Everything which men could do, has been done to forward the work of boring across the strait, but, so far, without any results. I agree with everything Mr. Jonah has said in his report, herewith. I think the schooner should be sent home, and the work postponed until 1st of next June. If, however, this does not meet with your approval, a few borings might possibly be made from open boats by taking advantage of an occasional fine day, when with four boats and platforms across two borings might go on at the same time.

Mr. Jonah will, in the meantime, do everything possible. I will go to Pictou to-morrow morning.

Mr. Sargent came in the schooner, in case Mr. Jonah might be sick on the water, and having no assistance work might be delayed. Jonah did not go on board until last night and has yet no experience on the water.

If you do not wish Mr. Sargent to stay, telegraph him to come to Pictou.

Yours truly,

WM. B. MACKENZIE.

P. S. ARCHIBALD, Esq., C. E., Chief Engineer, Intercolonial Railway.

*From Moncton, N.B.*

OTTAWA, 25th August, 1886.

Jonah got 5 borings made up to yesterday. He thinks another set of boats can be worked to advantage.

The weather is now favorable.

P. S. ARCHIBALD.

To C. SCHREIBER.

27th August, 1886.

Message received ; put another set of boats on.

C. SCHREIBER.

P. S. ARCHIBALD, Moncton.

1st September, 1886.

DEAR SIR,—I am glad to learn that Jonah is able to report such good progress with the borings. I quite agree with him that it would be as well, as the season is so far advanced, to take the borings  $\frac{1}{2}$  mile apart in the first instance and fill in afterwards if the weather permitted.

Yours truly,

COLLINGWOOD SCHREIBER.

P. S. ARCHIBALD, Esq., Chief Engineer, Intercolonial Railway

OTTAWA, 8th September, 1886.

SIR,—I am directed to transmit copy of an Order in Council, dated 24th ultimo, authorizing an expenditure of \$2,500 on trial borings in connection with proposed subway across the Straits of Northumberland.

I am, sir, your obedient servant,

A. P. BRADLEY, *Secretary.*

C. SCHREIBER, Esq., Chief Engineer, Government Railways, Ottawa.

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Administrator in Council on the 24th August, 1886.*

On a memo. dated 20th August, 1886, from the Minister of Railways and Canals, representing that there has been submitted by the Hon. G. W. Howland, Senator, a proposition for the construction of a subway across the Straits of Northumberland to connect the railway systems of New Brunswick and Prince Edward Island, as to which before any opinion can be given it is in his opinion desirable that certain definite information should be obtained through the engineers of his Department and recommending that authority be given for the expenditure of a sum not exceeding \$2,500 in such trial borings as may be required ; the amount to be taken from the appropriation of \$15,000 for miscellaneous works not otherwise provided for.

The Committee advise that authority be granted as recommended.

JOHN J. MCGEE, *Clerk Privy Council.*

The Honorable the Minister of Railways and Canals.

OTTAWA, 24th September, 1886.

(From Moncton.)

Jonah has finished the borings on subway, will require about one hundred and fifty dollars more to pay all bills. Please send funds.

P. S. ARCHIBALD.

CHARLOTTETOWN, P. E. I., 1st October, 1886.

MY DEAR SCHREIBER,—We have at last got through with borings here, the plans and report of which I suppose will be in your hands in a few days.

The bottom, as you may observe, is brick clay entirely free from rock from the island shore to the reef off Cape Tormentine and also inside pretty much to the New Brunswick shore.

Commencing so late it was a difficult job, and as I was personally present all the time, I must bear testimony to the unceasing energy, patience and industry of Mr. Jonah and his staff. I trust you may be able to pay him handsomely as all the bills incurred in connection with the survey will not amount to one thousand dollars.

Yours very truly,

GEORGE W. HOWLAN.

7th October, 1886.

MY DEAR SIR,—I am in receipt of yours of the 1st instant, and in reply desire to say that I have not yet received the report of the borings in the Straits of Northumberland from Mr. Jonah, but I am glad to hear that he has done his work so thoroughly.

Yours truly,

COLLINGWOOD SCHREIBER, *Chief Engineer and General Manager.*

Hon. G. W. HOWLAN, Charlottetown, P. E. I.

CHARLOTTETOWN, P. E. I., 14th October, 1886.

DEAR SCHREIBER,—I have your note of the 7th. Will you please advise Mr. Archibald or Mr. Jonah to send me a copy of the plans which he made here, and which he has now at Moncton before forwarding them to you? Your attention will oblige.

Yours truly,

GEORGE W. HOWLAN.

C. SCHREIBER, Esq., General Superintendent Government Railways.

MONCTON, 15th October, 1886.

DEAR SIR,—I beg to submit a map and section of Northumberland Straits, showing the line of the proposed subway from Cape Traverse, P. E. I., to Cape Tormentine, N. B., in which soundings and borings were made in August and September last.

The work was done with open boats, there being no suitable landing for any large craft at either shore, and owing to the lateness of the season, more time was occupied in making the survey than would have been if commenced earlier.

It will be seen by the section that the bottom consists largely of brick clay and is free from marked irregularities, and I might add that my section corresponds very well with the soundings taken by Commander Maxwell in May last, who stated in his report that no rock was encountered, but from the configuration there was doubtless rock on the New Brunswick side. The large amount of sand in the Jourimaine Reef is probably owing to the eddies which whirl around the end of it.

The distance in the line surveyed is 8 nautical miles, from the end of the railway pier, Cape Traverse, to Cape Tormentine. The shortest distance is  $6\frac{1}{2}$  nautical miles from Carleton Point, P. E. I., to Money Point, near Cape Jourimaine, N. B.

I notice from a large chart of Bayfield's that there is generally less water and a more uniform bottom on this line than on the line of survey; and his notes respecting the surface of the bottom gives it about the same as that where our survey was made.

Should the subway be constructed between these points, branch lines of railway would have to be built from the existing lines, probably about six miles in all through a favorable country.

The tides vary from a one knot current at neap tides to a three knot current at average springs, but with favorable winds sometimes run as strong as four knots. The flood tide between Cape Traverse and Tormentine comes from the north-west and meets the flood tide from the south-east about three miles to the eastward of these places. Considerable difficulty was experienced with the tides, as borings in deep water could only be made at slack water. I learned from reliable parties that the ice was never known to ground in more than 20 feet of water.

The plans go by express and also a box containing specimens of the bottom. There is not a sample for each boring, as it would occasionally get washed off the auger in deep or rough water; however, from the way in which the auger worked I judge the bottom to be uniform in character.

I have the honor to be your obedient servant,

FRANK G. JONAH.

C. SCHREIBER, Esq., Chief Engineer and General Manager  
Government Railways, Ottawa.

18th OCTOBER, 1886

MY DEAR SIR,—I am in receipt of yours of the 14th inst. asking for a copy of the plans of the soundings, &c., between Cape Tormentine and Cape Traverse and in reply desire to say that the plans have not yet been submitted to the Minister of Railways and Canals; upon submitting them I will place your letter before him.

Yours truly,

COLLINGWOOD SCHREIBER, *Chief Engineer and General Manager.*  
Hon. G. W. HOWLAN, Charlottetown, P. E. I.

19th OCTOBER, 1886.

MY DEAR SIR,—I have received the plan and profile of the borings across the Straits of Northumberland proposed by Mr. Jonah, they are very well got up, and I understand he has been very painstaking in his work. I would like to have a register of each boring giving the depth of boring and a record of the depth of each kind of material pierced through. I am anxious to know the cost of the work of making the borings and the rate of salary Jonah has been allowed during the time occupied in this service. Will you, therefore, with as little delay as possible, furnish me with a full statement accompanied by vouchers, with any remarks you may desire to offer.

Yours truly,

COLLINGWOOD SCHREIBER, *Chief Engineer and General Manager.*  
P. S. ARCHIBALD, Esq., Moncton.

(Telegram.)

Moncton, 19th October, 1886.

The profile shows to scale to depth of borings through the different materials will have record sent you as soon as I return to Moncton.

P. S. ARCHIBALD.

Moncton, 21st October, 1886.

MY DEAR SIR,—I am in receipt of your letter of the 19th instant, with reference to plan and profile of borings across the Straits of Northumberland prepared by Mr. Jonah. I am very glad to hear that you are pleased with them.

Some of his notes are at Pictou and he cannot make up the record you ask for a little time; the profile, however, shows to scale the depth of each boring through the different strata. I enclose herewith a statement of the expenditure incurred for this work, together with duplicate receipts for all moneys paid out. By the statement you will see there is a balance due me of \$72.07, for which I will be glad to have a departmental cheque. All of the enclosed bills were paid by cheques. Where they have been returned to the bank I have secured them and attached to the vouchers. There are five missing, which I will send you as soon as I get them from the bank.

Jonah was paid at the rate of \$35 per month on our regular pay roll here. I employed a man named Harrington in his place in the office here for two months.

I allowed him \$30 extra on account of preparing plans. He did a large portion of the work, on the plans at night, and I think well earned the \$30.

Yours truly,

P. S. ARCHIBALD.

G. SCHREIBER Esq., Chief Engineer and General Manager

Canadian Government Railways, Ottawa.

27th October, 1886.

MY DEAR SIR,—I am in receipt of yours of the 21st instant with reference to borings across the Straits of Northumberland, and enclosing a statement of the expenditure incurred for this work together with receipts and stating that there is a balance due of \$72.07. Make Jonah's pay while engaged in the subway \$60 per month, and let me know how much it will amount to and I will have a cheque for the amount with the balance due you forwarded.

Yours truly,

COLLINGWOOD SCHREIBER, *Chief Engineer and General Manager.*

P. S. ARCHIBALD Esq., Chief Engineer, Intercolonial Railway, Moncton.

13th December, 1886.

MY DEAR SIR,—I have pleasure in sending you by authority of the Minister of Railways and Canals tracings of the plan and profile of the borings taken by the Government across the Straits of Northumberland upon the proposed line of the projected subway between Prince Edward Island and the mainland. Mr. Jonah, the officer in charge of the work of taking these borings, I believe, took great pains to have the work carefully and correctly done; of this, however, you probably are equally, if not better informed than I am, as I understand you took so great an interest in the work as to daily watch its progress.

Yours very truly,

COLLINGWOOD SCHREIBER.

The Hon. G. W. HOWLAN, Charlottetown.

30th December, 1886.

DEAR MR. HOWLAN,—I some time ago mailed to your address, Charlottetown, tracings of the plan and profile of the borings for the proposed subway between the mainland and Prince Edward Island. As you have not acknowledged having received, I am in some doubt as to whether or not they have reached you:

I am, yours truly,

COLLINGWOOD SCHREIBER.

The Hon. G. W. HOWLAN, Charlottetown, P.E.I.

The names of the engineers employed in the work of survey were F. G. Jonah, and assistant, Mr. Sargent.



**STATEMENT** showing names of Engineers employed and detailed account of expenses incurred in connection with Northumberland Straits survey for subway during the year 1886.

F. G. Jonah, engineer, services and expenses .....	\$110 84
C. D. Sargent, assistant engineer, services and expenses .....	31 35
A. S. Harrington, in engineer's office in place of Jonah .....	60 00
Thos. Rotley, expenses .....	9 10
W. B. McKenzie, expenses.....	26 00
Pay rolls, laborers employed.....	267 00
Peake Bros., anchors, rope, &c.....	133 55
Alex. Strang, boat hire, board, materials, &c.....	230 64
James Howatt, blacksmith work.....	5 55
Donald Howatt, lumber.....	5 04
Latton Welch, tin cases (for samples).....	2 88
Anglo-American Telegraph Co., telegrams .....	18 69
Thomas Allen, board .....	28 50
Prince Edward Island Railway, freight.....	10 13
Capt. Jas. Thomas, schooner "Phorora" .....	60 00
David Logan, groceries for schooner "Phorora" .....	43 00
Dawson, Gordon & Co., rope, lumber, &c.....	17 20
James McDonald, two buoys .....	10 50
F. G. Jonah, discount on cheques .....	1 67

\$1,072 07

DEPARTMENT OF RAILWAYS AND CANALS, 1st March, 1888.

## RETURN

(67a)

To an ADDRESS of the SENATE, dated the 27th March, 1888, For a copy of the plans and reports of the last survey concerning the proposed Subway between Cape Traverse, Prince Edward Island, and Cape Tormentine, New Brunswick.

By command.

J. A. CHAPLEAU,

*Secretary of State.*

OTTAWA, 17th April, 1888.

CANADIAN GOVERNMENT RAILWAYS,  
OFFICE OF THE CHIEF ENGINEER AND GENERAL MANAGER,  
OTTAWA, 13th April, 1888.

SIR,—I have the honor to transmit to you herewith to fill an Order of the House, dated 26th March last, a copy of the plans and reports of the last survey concerning the proposed subway between Cape Traverse, Prince Edward Island, and Cape Tormentine, New Brunswick.

I am, sir, your obedient servant,

COLLINGWOOD SCHREIBER, *Chief Engineer and General Manager.*

A. P. BRADLEY, Esq., Secretary Dept. Railways and Canals.

MONCTON, 24th August, 1887.

SIR,—Mr. Jonah has completed the survey of proposed line for subway between Money Point, N. B., and Carlton Head, P. E. I., and I enclose herewith his report. The plan and profile are sent you under another cover. In a few days I will send you approved vouchers for expenditure made. It will not exceed \$600.

Your obedient servant,

P. S. ARCHIBALD.

COLLINGWOOD SCHREIBER, Esq., Chief Engineer and General Manager, Ottawa.

MONCTON, N.B., 24th August, 1887.

DEAR SIR,—According to your instructions I have made a survey of the Northumberland Straits from Carlton Point, P.E.I., to Money Point, N.B., and beg to submit map and section showing contour, &c., in the line of the proposed subway, together with specimens from the bottom.

The line is fully  $1\frac{1}{2}$  mile shorter than the line surveyed last year, and is more uniform, but has more rock, which is a very soft sandstone.

The greatest depth of water is 91 feet at low tide. The map gives full information about the neap tides, &c.

The materials that were left at the completion of the work were sent to Mr. Unsworth, Charlottetown. Hoping the survey has been satisfactory,

I am, yours respectfully,

F. G. JONAH.

P. S. ARCHIBALD, Esq., Chief Engineer, Moncton.



## CERTIFIED COPY

(68)

Of Reports of Committees of the Honorable the Privy Council and other Papers, relative to the Disallowance of certain Acts passed by the Legislature of the Province of British Columbia.

*CERTIFIED Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 16th March, 1886.*

On a Report, dated 11th March, 1886, from the Minister of Justice, with respect to the Act passed by the Legislature of the Province of British Columbia at its last Session (1885) Chapter 9, intituled: "An Act to amend 'The Sumas Dyking Act, 1878,'" and a memorandum dated 18th December, 1885, from the Minister of Interior, upon said Act.

The Minister of Justice agrees with the conclusion arrived at by the Minister of the Interior that the said Act is in conflict with the grant made to the Dominion Government by the British Columbia Act, 47 Victoria, Chapter 14, and he recommends that the above cited Act, namely, "An Act to amend 'The Sumas Dyking Act, 1878,'" be disallowed.

The Committee advise that the said Act be disallowed accordingly, and that a copy of the report of the Minister of Justice and of the accompanying memorandum from the Minister of the Interior be forwarded to the Lieutenant Governor of British Columbia for the information of his Government.

JOHN J. MCGEE, *Clerk, Privy Council.*

DEPARTMENT OF JUSTICE, OTTAWA, CANADA, 11th March, 1886.

To His Excellency the Governor General in Council.

With reference to the Act of the Legislative Assembly of British Columbia, 48th Victoria (1885) chapter 9, intituled: "An Act to amend the 'Sumas Dyking Act, 1878,'" and a memorandum upon which prepared by the Minister of the Interior has been referred to the undersigned by your Excellency in Council, the undersigned has the honor to report as follows:—

The first section of the Act in question provides as follows:—

1. When and so soon as the Lieutenant Governor in Council shall have cancelled the agreement for the dyking and reclaiming of the lands in Chilliwack and Sumas as provided in the Sumas Dyking Act, 1878, and amending Acts, it shall be lawful for the Chief Commissioner of Lands and Works, by notice in the *British Columbia Gazette* to offer from time to time for sale in accordance with the provisions of the "Land Act, 1884," 45,000 acres of the lands held at the passage of this Act by the Crown in Townships 16, 19, 20, 22, 23, 25, 26, 27, 29 and 30, of New Westminster District: provided always that the moneys derived from the sale of the said lands shall be paid into the Treasury to the credit of an account to be called the "Chilliwack and Sumas Dyking Fund."

The Minister of the Interior in his memorandum points out that all the townships mentioned in this section are in the railway belt on the mainland of the Province, and claims that the public lands in them are now vested in the Dominion Government and that the Act under consideration is therefore *ultra vires* of the Provincial Legislature.

The undersigned observes that the terms of the grant of the railway belt from the Provincial to the Dominion Government as finally settled are contained in the British Columbia Act 47 Vic., cap. 14, section 2, upon reference to which it will be seen that the grant is of the public lands along the line of the railway wherever it may be finally located, to a width of twenty miles on each side of the said line as provided in the Order in Council (sec. 11) admitting the Province of British Columbia into Confederation. The undertaking of the Province contained in the 11th section of the Order in Council is as general in its terms, and is qualified, so far as the class of lands to be comprised in the grant is concerned, only by the proviso that the quantity of land which may be held under pre-emption right or by Crown grant within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government shall be made good to the Dominion from contiguous public lands.

It would appear, therefore, that the grant to the Dominion was of all public lands in the railway belt and that "public lands" here means, in effect, all lands which had not at the date of the grant been alienated by Crown grant, or were not then under pre-emption right.

If this definition of "public lands" be accepted it is clear that there is nothing in the "Sumas Dyking Act" or in its amendments, or in the reservation, by the Provincial Government of the vacant lands in the townships in question to take such vacant lands out of that category and they passed to the Dominion Government with the other public lands in the railway belt by virtue of the Act 47 Vic., cap. 14.

The undersigned is therefore disposed to agree with the conclusion arrived at by the Minister of the Interior that the Act of last session, Cap. 9, is in conflict with the grant made to the Dominion Government by the Act 47 Vic., and he recommends that the said Act, namely, "An Act to amend the Sumas Dyking Act, 1878" be disallowed.

All of which is respectfully submitted.

JNO. S. D. THOMPSON, *Minister of Justice.*

(*Memorandum.*)

DEPARTMENT OF THE INTERIOR, OTTAWA, 18th December, 1885.

The undersigned begs to report that his attention has been called to the passage by the Legislature of the Province of British Columbia at its last Session, of an Act (cap. 9, 1885) entitled: "An Act to amend the Sumas Dyking Act, 1878," which purports to deal with lands lying within the railway belt and which the undersigned is of opinion were conveyed to the Dominion by the said Province by the Settlement Act.

This Act of the British Columbia Legislature above alluded to authorizes the Chief Commissioner of Lands and Works to offer for sale, from time to time in accordance with the Provincial Land Act, 1-84, 45,000 acres of land in Townships 16, 19, 20, 21, 22, 23, 25, 26, 27, 29 and 30, New Westminster district; and directs the purchase money therefor to be paid into the Provincial Treasury to the credit of an account to be called "The Chilliwack and Sumas Dyking Fund."

Section 13 of the "Sumas Dyking Act, 1878," provides that the dyking contractor, Mr. E. L. Derby, should, subject to the conditions of the Act, be entitled to receive in respect of the dyking to be effected by him 45,000 acres of land in the before mentioned townships, including in this acreage the lake known as Sumas Lake; and section 34 provides that in the event of the failure of Derby to carry out the conditions, agreements, and stipulations in the said Act contained, it should be lawful for the Lieutenant Governor in Council to cancel the said several agreements and to give as far as possible the like rights and privileges to some other person so that the lands mentioned or any part thereof might be dyked and reclaimed in manner provided by the Act.

The lands in the townships above-mentioned were reserved for dyking purposes by the Provincial Government by notice in the *Government Gazette* of 13th day of April, 1878, which reservation has never been revoked.

The whole of these lands lie within the railway belt, which was by Chap. 11 of 1880 of British Columbia, sec. 1, conveyed to the Dominion for railway purposes, subject only to the conditions of the 11th sec. of the Terms of Union as to pre-emption rights.

By clause 3 of the Act of British Columbia of 1880 alluded to in the last preceding paragraph it is provided that the rights of the public with respect to common and public highways are not to be affected by that Act. These are the only rights reserved in the conveyance of the railway lands by this statute, there is no exception or reservation of lands reserved by the Provincial Government for special or general public purposes, and, therefore, the lands reserved for dyking purposes by the above-mentioned notice, not being lands held by Crown grant or under pre-emption right within the meaning of the 11th sec. of the Terms of Union and not having been excepted in the statutory conveyance to the Dominion made by chap. 11, 1880, nor by the subsequent conveyance, chap. 14, 1883, known as the Settlement Act, and Mr. E. L. Derby having failed to carry out the dyking contract (he having in fact, as the undersigned is informed and believes, relinquished the enterprise and left the Province of British Columbia long since) and the Provincial Government not having before the passage of the statutory conveyance of 1880 and 1883, exercised the powers reserved under sec. 34 of the Dyking Act, 1878, of granting to any other person the like rights and privileges as were conceded to Derby, it is submitted that it may be justly contended that these last mentioned Acts of 1880 and 1883, or one of them, in effect cancelled the Derby agreement and revoked the powers reserved by said section 34 and that thereby these lands have passed to the Dominion for railway purposes free from the dyking trusts.

And if such is not the effect of the statutory conveyances above quoted, it may still be contended that under these statutory conveyances these lands have passed in fee to the Dominion as trustees for the purposes of the Dyking Act, and consequently that as trustees of the fee any grant to any contractor of any portion of the 45,000 acres to be selected out of the said reserved lands under the Dyking Act must be made by the Dominion Government, or in case of any conversion of the trust estate, the Dominion Government, as the legal trustees of the corpus, and not the Provincial Government, would be entitled to hold for the contractor the fund arising from such conversion until such time as the contractor should have dyked the lands in accordance with the Act.

And if the Act in question is not legally objectionable on any of the above grounds, it is submitted that it is still subject to disallowance on the ground that by its passage the Provincial Government have virtually admitted that all the Crown lands within the dyking reserve have passed to the Dominion except 45,000 acres. These 45,000 acres must, therefore, be the whole undivided interest in this reserve that E. L. Derby would have been entitled to receive on completion of his contract, and as this undivided interest is stated in section 13 of the Dyking Act as including the unascertained area of Sumas Lake, the Act now under consideration should, to be in accord with the Dyking Act, have provided that the unascertained area of Sumas Lake should be included in and form part of the 45,000 acres purported to be authorized by this Act to be sold from time to time by the Commissioner of Lands and Works.

And, finally, the Act in question is *prima facie* inconsistent and invalid, as it sets forth that on the 9th day of March, 1885, the date of its passage, these 45,000 acres were Crown lands, and if these lands were Crown lands on that date, they were Crown lands on the date of the passage of the Settlement Bill, and passed thereunder to the Dominion, no legislation or action of the Provincial Government affecting these lands having been effected intermediately between those dates.

The undersigned begs to recommend that the papers in this case mentioned in the schedule hereto be referred to the Honorable the Minister of Justice for report as to whether the Act of the Legislature of British Columbia, Chapter 9, 1885, intituled: "An Act to amend the Sumas Dyking Act, 1878" should not be disallowed.

Respectfully submitted,

THOMAS WHITE, *Minister of the Interior.*

*SCHEDULE of papers to accompany Memorandum to Council with reference to the Act of the Legislature of British Columbia, Cap. 9, 1885.*

1. Sumas Dyking Act, 1878 (41 Vic., cap. 6).
2. Act amending Sumas Dyking Act, 1879 (42 Vic., cap. 15).
3. Act amending Sumas Dyking Act, 1885 (48 Vic., cap. 9).

GOVERNMENT HOUSE, OTTAWA, Tuesday, 16th March, 1886.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant Governor of the Province of British Columbia, with the Legislative Assembly of that Province, passed an Act intituled: "An Act to amend the Sumas Dyking Act, 1878," in the forty-eighth year of Her Majesty's reign;

And whereas the said Act has been laid before the Governor General in Council together with a report from the Minister of Justice recommending that the said Act should be disallowed;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of the Queen's Privy Council for Canada, to declare his disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant Governor of the Province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

JOHN J. MCGEE, *Clerk Privy Council.*

I, Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of British Columbia in the forty-eighth year of Her Majesty's reign, intituled: "An Act to amend the Sumas Dyking Act, 1878," was received by me on the 23rd day of March, 1886.

Given under my hand and seal this 16th day of March, 1886.

LANSDOWNE.

*UNPUBLISHED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 16th March, 1886.*

On a Report, dated 11th March, 1886, from the Minister of Justice, with reference to the Act passed by the Legislature of the Province of British Columbia at its last Session (1885) chapter 16, intituled: "An Act to amend the Land Act, 1884."

The Minister recommends for the reasons set forth in his report that the said Act be disallowed.

The Committee advise that the Act of the Legislature of British Columbia, 48 Victoria (1885) Chapter 16, intituled: "An Act to amend the Land Act, 1884," be disallowed accordingly, and that a copy of the Report of the Minister of Justice be transmitted to the Lieutenant Governor of British Columbia for the information of his Government.

JOHN J. MCGEE, *Clerk Privy Council.*

DEPARTMENT OF JUSTICE, OTTAWA, CANADA, 11th March, 1886.

*To His Excellency the Governor General in Council :*

The undersigned has the honor to report with reference to the Act passed by the Legislature of the Province of British Columbia in the Session held in the year 1885, Chapter 16, intituled: "An Act to amend the Land Act, 1884."

Sections 1 and 2 of this Act make amendments in the Land Act of 1884, and

then it is provided by the 3rd section, that "all sales heretofore made of reserved lands and of town, city or suburban lots, in the cities of Victoria and New Westminster and the town of Hastings, are declared to be valid."

In a communication under date 5th September last from Mr. Trutch, the Dominion Government Agent for British Columbia, to the Minister of the Interior, by whom it was transferred to the Minister of Justice, attention is called to the 3rd section of this Act.

Mr. Trutch observes that the provision is open to serious objection, and should not, in his opinion, be allowed to continue in force for the reason that the provisions, whether so intended or not, may be held to confirm and make valid all sales made by the Government of British Columbia previously to the passage of this Act of any lands in British Columbia which had been reserved for any purpose whatever, including military, naval and Indian reservations, as well as the sales made just before the date of the passage of the Act of lands within the limits of the railway belt which had been conveyed to the Dominion by the British Columbia Act, 47th Vic., Chap. 14, passed on the 19th December, 1883, and intituled: "An Act relating to the Island Railway and Graving Dock and the Railway Lands of the Province," to the sales of which last-mentioned lands and the issue of Crown grants of the lands so sold by the Government of British Columbia, he had called attention in his letter of the 16th February, 1884, as having been made in contravention of the statute last-mentioned and to the prejudice of Dominion rights under that statute.

The question of the validity of the grants so made by the Government of British Columbia and to which Mr. Trutch calls attention is now before the courts, and in the opinion of the undersigned, pending the decision of that question, no Act of the Legislature of the Province of British Columbia should be left to its operation which will have the effect of confirming the grants so called into question.

It might possibly be urged that the 3rd section of the Act under consideration is intended to confirm sales theretofore made of reserved lands in the cities of Victoria and New Westminster and the town of Hastings, but the undersigned thinks it is open to the larger construction which Mr. Trutch has placed upon it, and that the effect of such a construction might be to confirm the grants which the Government of British Columbia has made of lands within the railway belt in that Province.

The undersigned therefore recommends that Chap. 16, intituled: "An Act to amend the Land Act, 1884," be disallowed.

All of which is respectfully submitted.

JNO. S. D. THOMPSON, *Minister of Justice.*

GOVERNMENT HOUSE, OTTAWA, Tuesday, 16th day of March, 1886.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant Governor of the Province of British Columbia, with the Legislative Assembly of that Province, passed an Act in the 48th year of Her Majesty's reign, intituled: "An Act to amend the Land Act, 1884;"

And whereas the said Act has been laid before the Governor General in Council, together with a report of the Minister of Justice recommending that the said Act should be disallowed;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of the Queen's Privy Council for Canada, to declare his disallowance of the said Act and the same is disallowed accordingly.

Whereof the Lieutenant Governor of the Province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

JOHN J. MCGEE, *Clerk Privy Council,*



I, Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, Governor General of Canada, do hereby certify that the undermentioned Act passed by the Legislature of the Province of British Columbia in the 48th year of the reign of Her Majesty, intituled: "An Act to amend the Land Act, 1884," was received by me on the 23rd day of March, 1886.

Given under my hand and seal this 16th day of March 1886.

LANSDOWNE.

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 16th March, 1886*

On a Report, dated 11th March, 1886, from the Minister of Justice, with respect to the Act passed by the Legislature of the Province of British Columbia at its last Session (1885) chapter 13, intituled: "An Act to prevent the Immigration of Chinese."

The Minister states that this Act is substantially the same as chapter 3 of the Acts of the Legislature of the Province of British Columbia, passed on the 18th February, 1884, and intituled: "An Act to prevent the Immigration of Chinese," which Act was disallowed by Order in Council, passed on the 8th April, 1884, upon the report of the Minister of Justice.

That during the Session of 1885 the Parliament of Canada dealt with this subject and passed an Act restricting and regulating Chinese immigration into Canada. (48-49 Vic., ch. 71).

The Minister is therefore of opinion that there are stronger reasons now for the disallowance of the Act of the Legislature of British Columbia passed in the year 1885, to prevent the immigration of Chinese than there were for the disallowance of the Act passed for a similar purpose in the Session of the year 1884, and he recommends that the Act of the Legislature of the Province of British Columbia, 1885, chapter 13, intituled: "An Act to prevent the Immigration of Chinese" be disallowed.

The Committee advise that the said Act be disallowed accordingly, and that a copy of this minute be forwarded to the Lieutenant Governor of British Columbia for the information of his Government.

JOHN J. MCGEE, *Clerk Privy Council.*

DEPARTMENT OF JUSTICE, OTTAWA, CANADA, 11th March, 1886.

*To His Excellency the Governor General in Council:*

The undersigned has the honor to report upon chapter 13, intituled: "An Act to prevent the Immigration of Chinese."

This Act is substantially the same as chapter 3 of the Acts of the Legislature of the Province of British Columbia, passed on the 18th February, 1884, and intituled: "An Act to prevent the Immigration of Chinese," which Act was disallowed by Order in Council passed on the 8th April, 1884, upon the report of the Minister of Justice, to which the undersigned begs leave to refer.

During the Session of 1885 the Parliament of Canada dealt with this subject and passed an Act restricting and regulating Chinese immigration into Canada (48-49 Vic., ch. 71).

The undersigned is therefore of opinion that there are stronger reasons now for the disallowance of the Act of the Legislature of British Columbia, passed in the year 1885 to prevent the immigration of Chinese, than there was for the disallowance of the Act passed for a similar purpose in the Session of the year 1884.

The undersigned respectfully recommends that the Act of the Legislature of the Province of British Columbia under consideration, chapter 13, intituled: "An Act to prevent the Immigration of Chinese" be disallowed.

JNO. S. D. THOMPSON, *Minister of Justice.*

---

GOVERNMENT HOUSE, OTTAWA, TUESDAY, 16th March, 1886.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant Governor of the Province of British Columbia with the Legislative Assembly of that Province, passed, in the 48th year of Her Majesty's reign, an Act intituled : "An Act to prevent the Immigration of Chinese ;"

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice recommending that the said Act should be disallowed ;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of the Queen's Privy Council for Canada, to declare his disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant Governor of the Province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

JOHN J. MCGEE, *Clerk Privy Council.*

I, Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, Governor General of Canada, do hereby certify that the undermentioned Act, passed by the Legislature of the Province of British Columbia, in the 48th year of Her Majesty's reign, intituled : "An Act to prevent the Immigration of Chinese," was received by me on the 23rd day of March, 1886.

Given under my hand and seal this 16th day of March, 1886.

LANSDOWNE.

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 19th April, 1888.*

The Committee of the Privy Council have had under consideration a Report, dated 10th April, 1888, from the Minister of Justice, upon Chapter 7 of the Statutes of British Columbia, passed in the year 1887, intituled : "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates," stating that the said statute provides in effect that any person who thinks himself aggrieved by any conviction made under a Statute of Canada, may appeal to any judge of the Supreme Court of British Columbia. That this legislation is clearly at variance with the provisions of the British North America Act, 1867, section 91, sub-section 27, it being legislation affecting procedure in criminal matters. That it is for the Dominion Parliament alone to say how a conviction made under the provisions of a Dominion Statute shall be dealt with, whether it shall be a final or an appealable decision, and that in addition to this, the statute in question is at variance with the provisions of the Summary Convictions Act, section 76.

The Minister observes that as any proceedings under these provisions might be highly prejudicial to the interests of parties accused of offences against the Canadian law, it is expedient, in his opinion, that the Act in question should be disallowed.

The Minister therefore recommends that Chapter 7 of the Statutes of the Province of British Columbia, passed in the year 1887, intituled : "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates," be disallowed.

The Committee advise that the said Act be disallowed accordingly, and that the Secretary of State be authorized to transmit a copy of this Minute to the Lieutenant Governor of British Columbia for the information of his Government.

JOHN J. MCGEE, *Clerk Privy Council.*

---

GOVERNMENT HOUSE, OTTAWA, Thursday, 19th day of April, 1888.

*Present :*

**HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.**

Whereas the Lieutenant Governor of the Province of British Columbia, with the Legislative Assembly of that Province, did, on the 7th day of April, 1887, pass an Act which has been transmitted, chaptered 7 and intituled : "An Act to establish a Court of Appeal from the summary decisions of magistrates ;"

And whereas the said Act has been laid before the Governor in Council, together with a report from the Minister of Justice recommending that the said Act should be disallowed ;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of the Queen's Privy Council for Canada, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of British Columbia and all other persons whom it may concern are to take notice and govern themselves accordingly.

**JOHN J. MCGEE, Clerk Privy Council.**

I, Sir Henry Charles Keith Petty Fitzmaurice, Marquis of Lansdowne, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of British Columbia, on the 7th day of April, 1887, chaptered 7, and intituled : "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates" was received by me on the 23rd day of April, 1887.

Given under my hand and seal this 19th day of April, 1888.

**LANSDOWNE.**

## RETURN

(76)

To an ADDRESS of the SENATE, dated the 27th March, 1888:—For a copy of the proceedings of the Colonial Conference at London, in 1887, so far as they relate to Imperial postal and telegraphic communications through Canada, together with any correspondence between the Imperial authorities and the Dominion Government, or any of its Departments, on that subject, since the date of the Conference.

By Command.

J. A. CHAPLEAU,

OTTAWA, 18th May, 1888.

*Secretary of State.*

## CONTENTS.

- I. Extracts.—Circular of the Colonial Minister, 25th November, 1886.
- II. Extracts.—Circular transmitting proceedings of Conference, 25th July, 1887.
- III. Proceedings of Conference :
  - (1.) Minute of Proceedings, 4th April, 1887.
  - (2.) do do 19th April, 1887.
  - (3.) do do 20th April, 1887.
  - (4.) do do 27th April, 1887.
  - (5.) do do 6th May, 1887.
- IV. Papers laid before the Conference :
  - (1.) Memorandum respecting the Australian Mails.
  - (2.) Proposed Canadian Mail Service to Australia.
  - (3.) Colonial Office Memoranda Cable between Canada and Australia, March, 1887.
  - (4.) Letter from High Commissioner to Colonial Office, 29th July, 1886.
  - (5.) Order in Council, 8th June, 1886.
  - (6.) Letter from Sandford Fleming to the High Commissioner, 10th July, 1886.
  - (7.) Memorandum of Sandford Fleming to the High Commissioner, 1st July, 1886.
  - (8.) Memorandum of Sandford Fleming to the High Commissioner, 6th April, 1886.
  - (9.) Letter to the Premier by ditto, 20th October, 1886.
  - (10.) Report to High Commissioner on Subsidy, 19th July, 1886.
  - (11.) Report of Telegraph Superintendent, New South Wales, 31st March, 1886.
  - (12.) Letter from Mr. John Pender, Eastern Telegraph Company, 28th January, 1887.
  - (13.) Letter from Mr. John Pender, Eastern Telegraph Company, 20th January, 1887.

- (14.) Letter from Mr. John Pender, Eastern Telegraph Company, 23rd December, 1886.
  - (15.) Memorandum by Mr. John Pender on Pacific Cable, 23rd December, 1886.
  - (16.) Memorandum by Sir Julius Vogel, 5th February, 1887.
  - (17.) Letter from Colonial Office, 20th April, 1887.
  - (18.) Indian Government, 21st April, 1887.
  - (19.) Letter with proposal of Mr. John Pender, 18th April, 1887.
  - (20.) Mr. Pender's reply to Mr. Heaton's paper, 2nd April, 1887.
  - (21.) Proposal of Pacific Telegraph Company, 20th April, 1887.
  - (22.) Proposal of the Canadian Cable Company, 23rd April, 1887.
  - (23.) Proposal of the Eastern Extension Telegraph Company, 4th May, 1887.
  - (24.) Amended proposal of the Pacific Telegraph Company, 3rd May, 1887.
- V. Correspondence subsequent to the Conference :
- (1.) Letter from the High Commissioner, 14th June, 1887.
  - (2.) Letter from High Commissioner's Office to Agents General, 13th June, 1887.
  - (3.) Letter to Colonial Minister from the delegates to the Conference respecting Survey for Cable, 16th May, 1887.
  - (4.) Letter from Sandford Fleming on the same subject, 16th May, 1887.
  - (5.) Letter, Colonial Office to the Admiralty, same subject, 23rd May, 1887.
  - (6.) Letter from the Admiralty to the Colonial Office, same subject, 28th May, 1887.
  - (7.) Letter from the Colonial Office to Sandford Fleming, same subject, 3rd June, 1887.
  - (8.) Letter from Sandford Fleming to the Colonial Office, same subject, 8th June, 1887.
  - (9.) Resolution adopted by the Conference, same subject, 6th May, 1887.
  - (10.) (Extract). Report of Sir Alexander Campbell on the Conference, 26th July, 1887.
  - (11.) Sir Henry Holland to the Governor General, 12th July, 1887.
  - (12.) Order in Council, 19th July, 1887.
  - (13.) Sir Henry Holland to the Governor General, 19th July, 1887.
  - (14.) The India Office to the Colonial Office, 6th July, 1887.
  - (15.) The High Commissioner to the Secretary of State, 20th July, 1887.
  - (16.) Resolution, the London Chamber of Commerce, 15th July, 1887.
  - (17.) Order in Council, 26th August, 1887.
  - (18.) Report Superintendent of Telegraph, 18th July, 1887.
  - (19.) Memorandum for the Minister by Superintendent of Telegraph, 18th July, 1887.
  - (20.) Sir Henry Holland to the Marquis of Lansdowne, 1st September, 1887.
  - (21.) Sandford Fleming to the Australian Government, 26th September, 1887.
  - (22.) Memorandum respecting proposed cable, to connect Australia and India with Canada, 26th September, 1887.
  - (23.) Sir Henry Holland to Lord Lansdowne, 4th October, 1887.

## THE COLONIAL CONFERENCE, 1887.

## I.

*Extracts.—Circular of the Colonial Minister.*

DOWNING STREET, 25th November, 1886.

MY LORD, SIR :

You will no doubt have remarked that in the Queen's speech on the prorogation of Parliament, Her Majesty was pleased to refer to Her Colonial and Indian Possessions in the following terms:—"I have observed with much satisfaction the interest which, in an increasing degree, is evinced by the people of this country in the welfare of their Colonial and Indian fellow subjects; and I am led to the conviction that there is on all sides a growing desire to draw closer in every practicable way the bonds which unite the various portions of the Empire. I have authorized communications to be entered into with the principal Colonial Governments with a view to the fuller consideration of matters of common interest."

2. The communications thus promised with the Colonies have engaged the careful consideration of Her Majesty's Government, and they have come to the conclusion that the Queen should be advised to summon a conference, to meet in London in the early part of next year, at which representatives of the principal Colonial Governments will be invited to attend for the discussion of those questions which appear more particularly to demand attention at the present time. I request you to inform your Ministers of this proposal, which I am confident will be very satisfactory to them, and to express the hope which I entertain of their cordial co-operation.

\* \* \* \* \*

5. Second only in importance to this great question is one concerning in a special degree the interests of the Empire in time of peace. The promotion of commercial and social relations by the development of our postal and telegraphic communications could be considered with much advantage by the proposed conference. It is a subject the conditions of which are constantly changing. New requirements come into existence, and new projects are formulated, every year. It is obviously desirable that the question of Imperial intercommunication should be considered as a whole, in order that the needs of every part of the Empire may, as far as practicable, be provided for, and that suggestions may be obtained from all quarters as to the best means of establishing a complete system of communications without that increased expenditure which necessarily results from isolated action.

\* \* \* \* \*

8. I will only add, in conclusion, that I am confident that your Government will, as I do, feel deep interest in this first attempt to bring all parts of Her Majesty's Empire into joint deliberation. However modest the commencement may be, results may grow out of it affecting, in a degree which it is at present difficult to appreciate, the interests of the Empire and of the civilized world.

I have, &amp;c.,

EDWARD STANHOPE.

To the Governors of Colonies under Responsible Government.

## COLONIAL CONFERENCE—1887.

## II.

*(Extract)—Circular.*

DOWNING STREET, 23rd July, 1887.

MY LORD,—I have the honor to transmit to you the report of the proceedings of the recent Colonial Conference, together with copies of papers which were laid before it.

\* \* \* \* \*

Several subjects relating to the improvement of postal and telegraphic communication between the colonies and the mother country also engaged the careful consideration of the Conference.

The three postal questions to which I invited attention were (1) the scheme for an Imperial penny postage; (2) the question of the Australasian and South African Colonies joining the Postal Union; (3) the renewal of the arrangements for carrying the mails to Australia.

\* \* \* \* \*

The third question, which more immediately concerned the three colonial Governments who have undertaken to provide the subsidy, was only partially discussed, as the negotiations were already far advanced. Several representatives, however, expressed a decided opinion in favor of the resumption of a cheaper supplementary service by sea only; and it was further urged that negotiations should be entered into with the French and Italian Governments for the reduction of the present transit rates.

The important proposals of the Canadian Pacific Railway Company for a service of powerful steamers between Vancouver and Hong Kong, by way of Japan, was not discussed at length in the Conference, being already under the consideration of Her Majesty's Government. Attention was, however, called by the Canadian representatives to this scheme, as well as to that for establishing a line of steamers from Vancouver to Australia, and it was stated that the mails could be carried to Australian and Asiatic ports in considerably less time, and at less cost, by these Pacific routes than at present.

In connection with the subject of telegraphic communication, the proposal of an alternative line to Australia was prominently brought forward. The colonial representatives were of opinion that their Governments would not, unless the Imperial Government also contributed, be willing to subsidize another company in addition to the Eastern Extension Telegraph Company; and on behalf of the Imperial post office, it was stated that the question of such a subsidy could not be entertained by that department. While, therefore, I expressed my willingness to bring before Her Majesty's Government the wishes of the members of the Conference that a line might be constructed for military purposes, to be exclusively controlled by the Government, I could not hold out any hope that such a scheme would be favorably received.

Two alternative routes were suggested, one by way of the Cape of Good Hope, and the other from Vancouver. The latter was warmly advocated by the representatives of the Dominion of Canada, as being a route deserving to be placed in competition with the existing line in point of speed, convenience and economy, and as possessing the additional advantage of passing entirely over British territory by means of the Canadian Pacific Railway which has recently been brought to a successful completion. The Conference expressed their admiration at the energy and enterprise shown in carrying out that great undertaking, and marked their sense of the Imperial importance of the connecting link thus established by their ready assent to the two propositions submitted by Sir Alexander Campbell on this subject on the 6th of May. On the other hand, proposals were submitted on behalf of the Eastern Extension Telegraph Company for a reduction of the telegraph rates upon the condition of a guarantee from the Colonial Governments.

\* \* \* \* \*

H. T. HOLLAND.

## COLONIAL CONFERENCE, 1887.

## III.—1.

MINUTES OF PROCEEDINGS, Monday, April 4, 1887.

*Present :*

The Right Hon. Sir Henry Thurstan Holland, Bart., G.C.M.G., M.P., Secretary of State for the Colonies, President.  
 The Marquis of Salisbury, K.G., Prime Minister.  
 The Earl Cadogan, Lord Privy Seal.  
 The Right Hon. W. H. Smith, M.P., First Lord of the Treasury.  
 The Right Hon. Edward Stanhope, M.P., Secretary of State for War.  
 The Right Hon. Lord George Hamilton, M.P., First Lord of the Admiralty.  
 The Viscount Cross, G.C.B., Secretary of State for India.  
 The Lord Stanley of Preston, G.C.B., President of the Board of Trade.  
 The Right Hon. H. C. Raikes, M.P., Postmaster General.  
 The Earl of Onslow, Under-Secretary of State for the Colonies.  
 The Right Hon. Sir James Ferguson, Bart., G.C.S.I., M.P., Under-Secretary of State for Foreign Affairs.

## Representatives:—

## Newfoundland:—

Mr. Robert Thorburn, Premier.  
 Sir Ambrose Shea, K.C.M.G.

## Canada:—

Sir Alexander Campbell, K.C.M.G., Lieutenant Governor of Ontario.  
 Mr. Sandford Fleming, C.M.G.

## New South Wales:—

Sir Patrick Jennings, K.C.M.G., late Premier.  
 Mr. Robert Wisdom, formerly Attorney General.  
 Sir Saul Samuel, K.C.M.G., C.B., Agent General.

## Tasmania:—

Mr. John Stockell Dodds, late Attorney General.  
 Mr. Adye Douglas, Agent-General.

## Cape of Good Hope:—

Mr. Thomas Upington, Attorney General.  
 Mr. Jan. Hendrick Hofmeyer.  
 Sir Charles Mills, K.C.M.G., C.B., Agent General.

## South Australia:—

Mr. John William Downer, Premier.  
 Sir Arthur Blyth, K.C.M.G., C.B., Agent General.

## New Zealand:—

Sir Francis Dillon Bell, K.C.M.G., C.B., Agent General.  
 Sir William Fitzherbert, K.C.M.G., Speaker of the Legislative Council.

## Victoria:—

Mr. Alfred Deakin, Chief Secretary.  
 Mr. James Lorimer, Minister of Defence.  
 Sir Graham Berry, K.C.M.G., Agent-General.  
 Mr. James Service, late Premier.

## Queensland:—

Sir Samuel Griffith, K.C.M.G., Q.C., Premier.  
 Sir James Garrick, K.C.M.G., Q.C., Agent General.

## Western Australia:—

Mr. John Forrest, C.M.G., Commissioner of Crown Lands.  
 Mr. Septimus Burt.

## Natal:—

Mr. John Robinson.



The following were also invited to attend the opening meeting.

Gentlemen connected with Crown Colonies nominated by the Governors, or invited by the Secretary of State:—

Barbadoes:—

Sir Charles Packor.

Bermuda:—

Lieutenant General Sir J. H. Lefroy, K.C.M.G., C.B.

Bahamas:—

Sir Augustus J. Adderley, K.C.M.G.,

Leward Islands:—

Mr. R. Hankey.

Jamaica:—

Mr. C. Washington Eves.

Gold Coast:—

Mr. Francis Swanzy.

Lagos:—

Captain Alfred Moloney, C.M.G.

Rev. J. Johnson.

Gibraltar:—

General Sir John Miller Adye, G.O.B.

Windward Islands:—

Sir George H. Chambers.

British Honduras:—

Mr. Roger T. Goldsworthy, C.M.G.

Sierra Leone:—

Sir Samuel Rowe, K.C.M.G.

Captain F. Craigie Halkett.

Gambia:—

Mr. V. S. Gouldsbury, M.D., C.M.G.

Ceylon:—

The Right Hon. Sir William H. Gregory, K.C.M.G.

Mr. George T. M. O'Brien.

Trinidad:—

Mr. A. P. Marryatt.

Malta:—

General Sir John Lintorn Simmons, G. C. B.

Dr. Guiseppe, Carbone, LL.D.

Count Strickland Della Catena

British Guiana:—

Mr. J. E. Tinné.

Mauritius:—

Sir John Pope Hennessy, K.C.M.G.

Mr. Frederick Condé Williams.

Mr. William Newton.

Falkland Islands:—

Lieutenant Colonel H. Cantley, R.E.

Hong Kong:—

The Right Hon. Sir George Ferguson Bowen, G.C.M.G.

Mr. W. Keswick.

Straits Settlements:—

Lieutenant General Sir Andrew Clarke, R.E., G.C.M.G.

Mr. J. Anderson.

Mr. Paul F. Tidman.

Native States:—

Mr. Frank A. Swettenham, C.M.G.

Fiji:—

Mr. James E. Mason, C.M.G.

**Cyprus:—**

Major General Sir Robert Biddulph, G.C.M.G., C.B.  
 The Duke of Manchester, K. P., Chairman of the Council of the Royal Colonial Institute.  
 The Marquis of Normanby, G.C.B., G.C.M.G., late Governor of Victoria.  
 The Marquis of Lorne, K.T., late Governor General of Canada.  
 The Marquis of Hartington, M.P.  
 The Earl of Belmore, K.C.M.G., late Governor of New South Wales.  
 Lord Augustus Loftus, G.C.B., late Governor of New South Wales.  
 The Right Hon. Sir John Rose, Bart., G.C.M.G.  
 Sir Henry Barkly, G.C.M.G., late Governor of the Cape of Good Hope.  
 Sir Alexander Galt, G.C.M.G., late High Commissioner for Canada.  
 Sir William C. Sargeaunt, K.C.M.G., Crown Agent for the Colonies.  
 Captain G. S. Clarke, R. E., Secretary to the Colonial Defence Committee, 1885.  
 Mr. N. Lubbock, Chairman of the West India Committee.  
 Mr. J. G. Colmer, in charge of the Office of the High Commissioner for Canada.  
 The Duke of Buckingham, G.C.S.I.  
 The Earl of Derby, K.G.  
 The Earl of Carnarvon.  
 The Earl of Dunraven, K.P.  
 The Earl Granville, K.G.  
 The Earl of Kimberley, K.G.  
 The Lord Brabourne.  
 The Lord Monkswell.  
 The Lord Thring, K.C.B.  
 Commander Bethell, M.P.  
 The Right Hon. H. Childers, M.P.  
 Sir D. Currie, K.C.M.G., M.P.  
 Dr. Clark, M.P.  
 Captain Colomb, M.P.  
 Sir W. Crossman, K.C.M.G., M.P.  
 Mr. L. Courtney, M.P.  
 Mr. L. Dillwyn, M. P.  
 Sir R. Fowler, Bart., M.P.  
 Sir J. Gorst, M.P.  
 Mr. Henniker Heaton, M.P.  
 Hon. W. James, M.P.  
 Sir J. H. Kennaway, Bart., M.P.  
 Mr. H. Kimber, M.P.  
 Sir John Lubbock, Bart., M.P.  
 Lord Lynton, M.P.  
 Mr. A. McArthur, M.P.  
 The Right Hon. G. Osborne Morgan, M.P.  
 Mr. O. V. Morgan, M. P.  
 Mr. G. Baden-Powell, C.M.G., M.P.  
 Mr. H. Seton-Karr, M.P.  
 Mr. C. Howard Vincent, C.B., M.P.  
 Sir S. Wilson, M.P.  
 Mr. E. R. Wodehouse, M.P.  
 The Hon. E. Ashley.  
 Sir T. F. Buxton, Bart.  
 Mr. John Pender  
 Mr. A. H. Loring.  
 Mr. Kinloch Cooke.  
 Mr. Frederick Young.

**MR. W. A. BAILLIE HAMILTON,**

*Secretary to the Conference.*  
*Assistant Secretaries to the Conference.*

**MR. H. W. JUST.**

**THE MARQUIS OF CARMARTHEN.**

## OPENING ADDRESS OF THE PRESIDENT.

(Extracts.)

Sir HENRY HOLLAND. My Lords and Gentlemen, I must in the first place express, however imperfectly, what I feel sure is the sense of the meeting, and thank Lord Salisbury most cordially for his kind words of welcome; for his expressions of hope for the success of this, the first Colonial Conference; and for the wise and statesmanlike remarks which he has made bearing upon the relations of the mother country and the colonies, when questions of an international character, and questions of Imperial foreign policy arise. With every desire to support, there must be every desire on the part of this country, and of the Government for the time being of this country, to uphold to the full the interests and rights of the colonies; but none of us can doubt that it may be necessary at certain times, in certain emergencies, and for reasons of Imperial policy, to call upon a colony for the general good of the Empire to make, as the mother country may have to make, some concession, or to forego some object which it may have desired to attain.

The considerations thus referred to by Lord Salisbury will, I feel sure, have due weight with us in our discussions at this Conference.

Many plans have been devised, many suggestions made, for fitting memorials of Her Majesty's Jubilee year: *quot homines tot sententia*. In this country we have heard of an Imperial Institute, a Church House, hospitals, free libraries, and so forth. But I assert, without fear of contradiction, that the assembling together in this country of leading colonial statesmen and representatives of Greater Britain, to discuss matters of Imperial interest affecting alike the mother country and the colonies, is the fittest of all memorials. I can take no credit for this. The credit must be shared by Mr. Stanhope and Lord Salisbury of initiating the Conference, but I should be sorry not to recognize in the faintest manner the credit due to the Colonial Governments for giving a ready and loyal assent to the scheme, and for their efforts to make it a success.

And with reference to this celebration of the Jubilee year, it is impossible for me to refrain from pointing out in a few words, and with very few figures, the extraordinary upward progress which the Empire has made in the last fifty years, especially in the case of the great colonies whose representatives I am now happy to see before us.

Take the case of Canada:

In 1837 there were the two provinces of Upper and Lower Canada. These were united in 1840, and responsible government was granted. In 1867 came the creation of the Dominion by federation of Canada, Nova Scotia, New Brunswick, soon to be joined by British Columbia, and later on by Prince Edward Island.

It is unnecessary, I am sure, to point out what weight and dignity have been added to the Empire by the creation of this great and flourishing Dominion, increased as it has since been by the addition of the vast North-Western territory, through which now runs that remarkable achievement of British enterprise, the railway which has bound together the Atlantic and Pacific shores of the Dominion.

\* \* \* \* \*

The next subject marked out for consideration is the promotion of commercial and social relations by the development of our postal and telegraphic communication. "It is a subject," and here again I quote from my predecessor in office, "the conditions of which are constantly changing, new requirements come into existence, and new projects are formulated every year."

It is obviously desirable that the question of Imperial intercommunication should be considered as a whole, in order that the needs of every part of the Empire may, as far as practicable, be provided for, and that suggestions may be obtained from all quarters as to the best means of establishing a complete system of communications without that increased expenditure which necessarily results from isolated action.

I will first refer to the postal schemes which it may be thought desirable to discuss.

\* \* \* \* \*

With respect to telegraphic communication, I would point out in the first place the extraordinary growth of submarine telegraphy, to which Mr. Pender called my attention in a letter of 28th January. He there says:—

“Submarine telegraphy is of quite modern growth. Twenty years ago there were about 2,000 miles of cable laid, chiefly in the channel, and some of the earlier submarine cables that were laid were unfortunately so badly constructed, that they were useless for work. I might quote as an instance the old Red Sea cable.

“Science has now, however, aided so greatly in the manufacture of cables, that they can at the present time be laid with comparatively little risk of breakage and with an almost certainty of efficient repair. These facts account for the rapid growth of the submarine telegraph system, which now embraces 107,000 miles, at a cost of something like thirty-seven millions sterling.

“I may mention as a contrast, and to give an idea of the importance of this system, that the whole length of the land lines now in existence in the world is some 1,750,000 miles, which represent an estimated cost of £52,000,000.

“The submarine cable system is, with the exception of some 7,000 miles, entirely under British control, and has been the result of private enterprise.”

I must add that I concur entirely in his observations that, “The value of the submarine system as it is now controlled, under British management, it is impossible to over-rate, either from a political or commercial point of view. In regard to our enormous commerce and its relation to the movements of our great mercantile marine, both the one and the other are more or less controlled and influenced by our marine system. The economy in the working of ships is very great indeed; and in commercial transactions there are few of any magnitude which do not involve the forwarding and receiving of telegraphic messages.

“These circumstances show that it is of great importance that the control of the telegraphs should be, as far as possible, in British hands; while it is of equal importance that the tariffs should be as low as it is possible to make them.”

I will now direct attention to a proposal to connect Canada and Australia by cable upon which subject papers will be circulated to you.

The question of connecting Australia with Canada by cable, and so affording an alternative means of communication beyond those supplied by the Eastern Extension Telegraph, has been from time to time mentioned in connection with the Canadian Pacific Railway, but it was first brought formally to the notice of Her Majesty's Government on the 29th of July, 1886, by a letter from the High Commissioner for Canada. This letter, together with a report by the Superintendent of Electric Telegraphs, New South Wales, dated the 31st of March, 1886, will be found among the papers I am about to lay before you.

The scheme is opposed by the companies which own the existing telegraph lines communicating with Australia, and on the 28th of January of this year I received from Mr. Pender a letter enclosing copies of letters and memoranda, which will also be found among the papers, suggesting that a reduction of the existing tariff charges might be effected upon a guarantee from the colonies. The promoters' scheme alluded to by Mr. Pender has not been communicated to Her Majesty's Government, and his own figures appear to be but a very rough estimate. They furnish, however, the only information I possess upon the matter.

A very strong case would have to be made out to justify Her Majesty's Government in proposing to Parliament to provide a subsidy for maintaining a cable in competition with a telegraphic system which at any rate supplies the actual needs of the Imperial Government.

I fear that at the present stage I can only invite the Australasian and Canadian members of the Conference to favor Her Majesty's Government with their views generally upon the scheme for laying a cable across the Pacific from Vancouver to some point in one of the Australasian colonies.

The Australasian representatives will perhaps further consider, and favor Her Majesty's Government with their views upon the general proposal to have a reduction of existing tariff charges under a guarantee from the colonies.

\* \* \* \* \*

### III.—2.

TUESDAY, 19th April, 1887.

#### *Present :*

**The Right Hon. Sir Henry Thurstan Holland, Bart., G.C.M.G., M.P.,** Secretary of State for the Colonies, President.  
**The Right Hon. Henry Cecil Raikes, M. P.,** Postmaster General.  
**The Right Hon. The Earl of Onslow,** Under Secretary of State for the Colonies.  
**Mr. John Bramston, C.B.,** Assistant Under Secretary of State for the Colonies.  
**Mr. Stevenson A. Blackwood, C.B.,** Secretary of the Post Office.  
**Mr. E. H. Rea,** Assistant Secretary of the Foreign and Colonial Departments of the Post Office.

#### Representatives:—

##### Newfoundland:—

Sir Ambrose Shea, K.C.M.G.

##### Canada:—

Sir Alexander Campbell, K.C.M.G., Lieutenant Governor of Ontario.

Mr. Sandford Fleming, C.M.G.

##### New South Wales:—

Sir Patrick Jennings, K.C.M.G., late Premier.

Sir Robert Wisdom, K.C.M.G., formerly Attorney General.

Sir Saul Samuel, K.C.M.G., C.B., Agent General.

##### Tasmania:—

Mr. J. S. Dodds, late Attorney General.

Mr. Adye Douglas, Agent General.

##### Cape of Good Hope:—

Sir Thomas Upington, K.C.M.G., Attorney General.

Mr. J. H. Hofmeyr.

##### South Australia:—

Sir J. W. Downer, K.C.M.G., Q.C., Premier.

Sir Arthur Blyth, K.C.M.G., C.B., Agent General.

##### New Zealand:—

Sir F. Dillon Bell, K.C.M.G., C.B., Agent General.

Sir William Fitzherbert, K.C.M.G., Speaker of the Legislative Council.

##### Victoria:—

Mr. Alfred Deakin, Chief Secretary.

Sir James Lorimer, K.C.M.G., Minister of Defence.

Sir Graham Berry, K.C.M.G., Agent General.

Mr. James Service, late Premier.

##### Queensland:—

Sir Samuel Walker Griffith, K.C.M.G., Q.C., Premier.

Sir James Garrick, K.C.M.G., Q.C., Agent General.

##### Western Australia:—

Mr. John Forrest, C.M.G., Commissioner of Crown Lands.

Mr. Septimus Burt.

##### Natal:—

Mr. John Robinson.

Mr. W. A. Baillie-Hamilton, Secretary to the Conference.

**The PRESIDENT.** Before we begin upon the question of postal communication, perhaps I may mention that Lord Salisbury will attend as representing the Foreign

Office (not as Prime Minister) upon the discussion on the New Hebrides and Samoa. (Hear, hear.) I should be sorry to have to keep him waiting in the next room till we had finished the question of Australian naval defence. I thought, therefore, that if we took the naval defence the first thing on Monday, and afterwards New Guinea, and then began on Tuesday at twelve o'clock with the New Hebrides, Lord Salisbury would be present at the beginning of the discussion, and we should not have any trouble about keeping him waiting, and should not hurry our other business. (Hear, hear.)

Gentlemen, I am afraid that I must make one admission at the beginning of this postal discussion, that owing to rather protracted sittings in the House of Commons, I have not had that opportunity of looking thoroughly into the question that I should have wished for; but there seem to me to be three questions which will require discussion.

The first is the question of the Imperial penny postage. \* \* \*

The second, and, if I may venture to say so, the more important question, is the question whether the colonies which are now outside the Postal Union would see their way after discussion to join in that Postal Union. \* \* \*

The third question is the negotiation which is at present going on as regards the mails to the Australian Colonies. I understand that it is the desire of the delegates that that question should be brought before the Conference and discussed. \* \* \*

Those, gentlemen, are the three questions that will have to be discussed, and subject to any suggestions which may be made by the members of the Conference, we may probably best discuss them in that order, if that is the view of the delegates (hear, hear), beginning first with the question of Imperial penny postage. Perhaps the Postmaster General would favor us with a few observations upon that point.

\* \* \* \* \*

Sir ALEXANDER CAMPBELL. Mr. Raikes pointed out three alternative methods of going to the East, but he said nothing of going through Canada and having a service from Vancouver. That we think a cheaper way than any that he has pointed out, and a safer way, being over the ocean, over which England may be said to be mistress, and across our own country, Canada. We are here from Canada more with reference to that particular topic than to any other topic which has yet been discussed; and I hope that that has not been purposely omitted, but that Mr. Raikes has also considered the advantages and disadvantages of a mail route over the Pacific Railway, and a steam service from Vancouver on the Pacific coast to the East. We are told by the Canadian Pacific Railway Company that they can give a service faster and cheaper in that way to some portions of the continent of Australasia, and also to New Zealand, than the service which is contemplated, and which Mr. Raikes has spoken of. We are told also that that service will be entirely in our own country, and not exposed to a great many of the dangers which the present service is exposed to, and that those services, of which Mr. Raikes has spoken of, are exposed to; and I trust that we shall hear that that is also being considered.

Mr. RAIKES. Perhaps I may say that the question has not been put before us practically as a question of communicating with Australasia with regard to postal matters. I have heard something of a very interesting enterprise, connecting Vancouver with the Australasian Colonies by telegraph; but we had before us some months ago, a scheme for making a postal communication by the Canadian Pacific Railway and Vancouver to China. At that time, at all events, the parties who propounded it were not able to satisfy us that it could for a moment compete in point of time with the service by the Peninsular and Oriental; and I, with great regret (for I entirely appreciate the importance of what Sir Alexander Campbell has said, of the political considerations, which I think are never to be lost sight of), I was obliged, having only a postal conscience in the matter, to say that the scheme proposed by the Peninsular and Oriental was so clearly more rapid, and apparently more regular, that I was not in a position then to recommend the route by the Canadian Pacific. But any question as to the postal route to Australasia by way of Canada and the Canadian Pacific, I can assure the representatives of Canada will be most carefully and fully considered.

Sir ALEXANDER CAMPBELL. Both proposals, I understand, are before the Post Office Department, one to Australasia, and one to China.

Mr. REA. No.

The PRESIDENT. The only proposal that I have seen has been the proposal in connection with the communication between Vancouver and Hong Kong.

Sir ALEXANDER CAMPBELL. I know there was that proposal. That we understood was a cheaper and quicker service than could be given by any of the routes that Mr. RAIKES speaks of.

Mr. RAIKES. That is rather beside this particular question, but I believe that there is at present a prospect of the route to China, *via* the Canadian Pacific, being so much improved, so far as the water transit of the Pacific is concerned, that that question may assume quite a new aspect; but the matter is not before me as regards Australasia.

The PRESIDENT. It is pretty well known that at least there was a proposal of a very large subsidy for this projected line between Vancouver and China, and that was put aside. Subsequently, a reduced subsidy was asked for, and that also the Imperial Government have not seen their way to granting. Now another proposal has come from Canada in which they propose to contribute something, and that is under consideration. That is as regards the line to China. I have seen no papers as regards any proposed line to Australasia.

Sir ALEXANDER CAMPBELL. Perhaps not, but there was such a proposition, I know, though it may not have been communicated to the Post Office authorities. But the first proposal that you allude to as to the larger subsidy of £100,000 was communicated. We should like to have an opportunity of discussing the reasons why a service of that kind should not be favored, particularly when urged by Canada, considering all the sacrifices which have been made by Canada for the purpose of having a railway across the continent.

The PRESIDENT. I hope you will take this opportunity of discussing the question. It is a great advantage that it should be discussed in the presence of the Australasian delegates.

Sir ALEXANDER CAMPBELL. My friend, Mr. Fleming, who is an engineer, would be quite ready to discuss it if we can do so without seeming to intrude, or to take any undue part in the debate.

The PRESIDENT. Not at all. With the leave of the Conference I would now call upon Mr. Fleming to speak upon this particular question, that is to say, as to a projected route by a line of steamers between Vancouver and Australasia.

Mr. SANDFORD FLEMING. Before I commence I must ask your kind indulgence. I am not a practised speaker. I have a short memory, and I have to refer to figures, and to quote authorities; and therefore I thought it best to reduce my views to copious notes, and in that way I think I can best bring what I wish to say before the Conference.

Having given some attention to the question of postal and telegraphic communication, I avail myself of the privilege afforded me of submitting my views to the Conference.

The right honorable the Chairman, in his opening address, suggested that it is desirable to consider Imperial communications as a whole, so as to bring into view a complete system. In the remarks which I now propose to submit I shall endeavor to keep that suggestion prominently in view; although, perhaps, being associated with Canada and more familiar with the thoughts and hopes of the Canadian people, it is not unnatural that I should speak more particularly of the position which the Dominion occupies in relation to the Empire and its needs.

The question cannot be considered without reference to the relative geographical position of the great self-governing Colonies. Those are situated in three distinct continents—America, Africa, and Australasia. According to our ordinary habit of thought, Canada in the western hemisphere and Australasia in the eastern are at opposite ends of the Colonial Empire, and are as far asunder as it is possible on this globe for two countries to be situated. We all know now that this is a mistaken

idea; nevertheless it exists, and it is due greatly to the circumstance that emigration from Europe takes opposite directions to Australasia and to Canada. In consequence of this circumstance the two sets of colonists have been completely separated, and they now find themselves perfectly distinct, without any social or commercial or political intercourse.

There are those in Canada, and, I doubt not, there are those in Australasia, who have taken a somewhat enlarged view of the situation. They have seen that while the emigrant from England to New Zealand traversed 180 degrees of longitude east, and the settler in Western Canada passed over 120 degrees of longitude west; the two are nevertheless not separated by the sum of the two distances. By actual journey they are undoubtedly 300 degrees of longitude from each other, but by actual fact they are only 60 degrees asunder.

True, the sixty degrees of longitude which separate them, when it comes to be measured, is increased in mileage somewhat, owing to another circumstance. But the application of science comes to our aid in connection with this question. If we resort to the agencies of steam and electricity, the people of Australasia and the people of Canada may, for all practical purposes, become neighbors. And why, it may be asked, should they not be neighbors as far as it is possible for art and science to make them? Are they not one in language, in laws, and in loyalty? Have they not substantially the same mission in the outer Empire, and would they not as good neighbors supporting each other, and with their energies directed to a common cause, be of great advantage to each other? Would they not, so united by friendly ties, add strength to the power to which they owe a common and willing allegiance?

If we have discovered ourselves in Canada to be much nearer our sister colonies in Australasia than we ever before supposed, we have also awakened to the knowledge that there is no land between us and Asia, that we look across the Pacific to India, and that to reach the east the true path is to go west.

These facts are recent revelations to many of us, and I ask your indulgence while, as briefly as I can, I relate the leading circumstances which have brought Canada to realize her new position—a position not any longer at the far extremity of the colonial system, but midway between the British Islands on the one hand and her rich colonies and dependencies in the Pacific and Indian Oceans on the other.

I think it will be obvious, from the few facts and dates which I desire to submit to you, that it is in no small degree owing to the benign influence of the Home Government bearing on the people of the Canadian Provinces for many years back that British America has advanced step by step, and that successive administrations have from time to time been enabled to consolidate British interests on the Western Continent. The more recent efforts have succeeded in constructing improved means of communication between remote parts of the country; they have overcome obstacles once deemed insuperable; and their efforts have culminated in establishing across the the widest part of North America a great national railway, destined, we believe, to become an essential factor in the defence and future prosperity of the Empire. (*At this point Sir Alexander Campbell laid a map before the Conference.*)

For a moment I shall refer to the records of history.

In the reign of King William IV, the Home Government, solicitous for the safety of British America, granted £10,000 to be expended on explorations for a railway from the Bay of Fundy to Quebec. The survey was entrusted to Captain Yule, of the Royal Engineers. This was in 1836, fifty-one years back.

In 1839, an appropriation was voted by the Imperial Parliament for a military road through New Brunswick, leading to Quebec.

In 1843, the Imperial Government directed further surveys for a military road, having in view the same object.

In 1846, the then Colonial Secretary, Mr. Gladstone, issued instructions to the Royal Engineers to make a survey for a railway from Halifax to Quebec. At this date the Imperial Government was strongly impressed with the importance of this work in a political point of view, as being essential for the military defence of the British American possessions.



Sir John Harvey, in opening the Legislature of Nova Scotia in 1847, spoke of the Halifax and Quebec Railway as being not second to any project which had ever engaged the notice of any Colonial Legislature in any part of the British dominions, and which would "constitute the most important link in that great line of communications which may be destined at no remote period to connect the Atlantic with the Pacific Oceans." I quote the exact prophetic words used by the Queen's representative forty years ago.

A letter from the Colonial Secretary (10th March, 1851) made mention of the strong sense entertained by the British Government of the extreme importance, not only to the colonies directly interested, but to the Empire at large, of providing for the construction of a railway by which a line of communication might be established on British territory.

The Home Government despatched in 1857 a scientific expedition to examine the interior of British North America, extending from the settled portions on the St. Lawrence westerly to the Rocky Mountains, with the view, amongst other things, of finding a route for a great line of communication within British territory to the Pacific coast.

Some years later the Home Government took active steps to arrange with the Hudson Bay Company for the surrender of its territorial rights, and encouraged the then Province of Canada to acquire those rights and assume authority over the vast region occupied only by scattered tribes of Indians.

In 1867 the Imperial Parliament passed an Act by which the several British American Provinces were united and the Dominion of Canada formed. One of the essential conditions was that the confederated Provinces should construct a railway from Halifax to Quebec, the Imperial Government assisting so far as to guarantee the interest on three millions (£3,000,000) of its cost. A further provision of the British North America Act was the entrance of British Columbia into the Confederation and the construction of a railway across the continent to the Pacific coast.

It will be manifest, from this brief reference to historical facts, that there has been a continual solicitude on the part of the Home Government for the maintenance and extension of Imperial interests in North America; that it was deemed of the greatest possible importance to establish the best means of communication—1st, between the fortresses of Halifax and Quebec, separated by 700 miles; and 2nd, between Quebec and the Pacific coast, some 3,100 miles; that Canada, in deference to Imperial wishes and needs, has adopted the policy of establishing these great lines of communication, and that she has steadily pursued that policy step by step until the present time.

It will be borne in mind that the population of Canada is comparatively small, confined for the most part to the older Provinces. This limited population has incurred an enormous expenditure in overcoming obstacles of very great magnitude in opening up for colonization the fertile region recently acquired. She has had no little difficulty and incurred no small outlay in connection with the Indian population; but the greatest and most costly of all her undertakings has been the railway across the continent; and in establishing this undoubtedly great work, she has been impressed with the conviction that she was promoting the general interests of the Empire, and contributing not a little towards its consolidation and defence.

There is now a continuous line of railway from Halifax to the Pacific entirely on British soil. The Pacific Railway was opened for public use last year. Eight months before it was opened for public traffic the last rail was laid; but the last rail had not been laid many days when a consignment of naval stores passed through to the station of the North Pacific fleet from Halifax. The time occupied on the then unfinished railway was seven days and a few hours from tide water of the Atlantic to Esquimalt. Without the railway it would have taken some three months to have sent the same stores in a British bottom to their destination. This one fact must be recognized as of striking significance, as it clearly shows the immense political value of the Canadian railway. This new line practically brings what was once the most remote naval station, in the most distant colony of the Empire, within about two weeks of Portsmouth.

I will not venture to take up your time by dwelling upon the naval and military, the commercial and political importance of the Canadian railway to the Pacific. The highest authorities in England have testified to its value to the whole Empire. I only desire to draw attention to the fact that it is the outcome of a policy initiated by the Home Government, and continually pressed on Canada by the Home Government.

This great Imperial line of communication is the growth of half a century; it has been established by the Canadian people without cost to England. Even the expenditure made by the Home Government on the preliminary surveys for the line between the fortresses of Halifax and Quebec has been refunded. The railway across the continent has involved an expenditure of £48,000,000, of which about £24,000,000, the exact amount being £3,966,000, has been paid by the Government of Canada in subsidies or without prospect of return.

Canada does not ask to be relieved of any of the burdens she has assumed; she brings all her costly works as a contribution to the common defence, and she desires that they may be made available in the most advantageous manner to the Empire.

There are several ways in which the line through Canada may be at once utilized for Imperial purposes. I may mention the following three, viz. :—

1. As a postal and passenger route from England to the Australasian Colonies.
2. As a postal and passenger route from England to Asia.
3. As a telegraph route protected by the British flag from the seat of Government in London to every one of the self-governing Colonies and also to India.

First as a postal route. In your opening address, Sir, you referred to the possibility of reinforcing the navy with fast merchant steamships. You pointed out how desirable it would be in the event of war to have the means of strengthening the fleet by the addition of fast cruisers with armaments ready prepared.

It is suggested that mail lines be established from Vancouver, the western terminus of the Canadian Pacific Railway, and that the ships employed be of a high speed, specially constructed to meet the requirements of the Admiralty with respect to cruisers, and with the most approved accommodation for passengers.

It is obvious that a sufficient number of such ships for the two postal services across the Pacific, available as armed cruisers, would be of immense advantage in any emergency, while at ordinary times they would be actively engaged in the development of commerce.

It is calculated that by powerful steamships of this class, the mails could be carried from England to Australian and Asiatic ports in considerably less time, and at less cost, than they are now conveyed; and it cannot be doubted that the establishment of such lines would develop commercial activity and promote the general interests of the Empire on Pacific waters. It is not necessary to abandon the old postal routes in order to establish the new, but it is important that no time be lost in initiating a service so pregnant with possibilities.

The principle of growth is familiar to all colonists, it is one in which they all have faith, but there is one essential preliminary—there must be a beginning! Seed must be sown! If it be not practicable at once to place on the two routes across the Pacific weekly lines of steamers, let it be so arranged that they will leave at wider intervals. If we cannot have fifty-two departures a year let us have at first twenty-six. Rather begin with a service of first-class steamships, leaving every two weeks, than none at all. There are those in this room who can well remember the time when the service between Europe and America was confined to one line of small steamers, leaving once a fortnight. We all know to what gigantic proportions that service has now grown. May we not confidently look to similar results on the Pacific?

Thus by means of improved lines of postal communication across the Pacific could the Empire take advantage of the facilities offered by Canada. All must admit it to be in every way desirable that commercial and other relations of intimacy should spring up between the great colonies now represented in this room. The establishment of a direct postal service, such as suggested, would plant the germs of

a commerce, which in a few years may develop into a magnitude now little dreamed of. I need scarcely say that the people of Canada would hail with great satisfaction the sympathetic co-operation of the Imperial Government and the Governments of the Australasian Colonies in an effort to call into existence a new field for commercial enterprise, an effort which is well calculated to strengthen British interests and establish British predominance on the Pacific. The question is a practical one of common concern to all, and I feel warranted in saying that although Canada has already, from her own unaided resources, sunk an enormous amount in rendering the new Imperial postal services possible, she will be prepared, as Sir Alexander Campbell will explain to you, still further to render substantial aid.

The PRESIDENT. Am I right in saying that as regards the line from Vancouver to China, it was first proposed to establish a three-weekly service each way, for an annual subsidy of £100,000?

Sir ALEXANDER CAMPBELL. Yes, in cruisers built under the direction of the Admiralty.

The PRESIDENT. In all cases the Canadian Government have been prepared to meet that point?

Sir ALEXANDER CAMPBELL. In all cases.

The PRESIDENT. Then there was a question of substituting a fortnightly service upon the same terms for £100,000, the contract to be for ten years from May next.

Sir ALEXANDER CAMPBELL. Yes.

The PRESIDENT. And then from May, 1887, to April, 1888, to perform a provisional monthly service for a subsidy of £60,000.

Sir ALEXANDER CAMPBELL. Of which the Canadian Government were ready to contribute one-fourth, I think.

The PRESIDENT. Not of the £60,000.

Sir ALEXANDER CAMPBELL. I think so; however, I may be wrong.

The PRESIDENT. I do not think that it was put to us so. I think it was put to us that the £60,000 was the subsidy that we were asked for. It was supposed that the Canadian Government would be prepared to contribute even towards this subsidy of £60,000.

Sir ALEXANDER CAMPBELL. Yes, I believe so.

The PRESIDENT. And upon communication with the Canadian Government they declined at last to do so?

Sir ALEXANDER CAMPBELL. I think there is an inaccuracy there. They declined to contribute towards the £100,000, but, finding that there was a hesitation here, they agreed to contribute towards the smaller proportion for the monthly service.

The PRESIDENT. That may be cleared up. I think that at first there was a refusal to contribute even to the £60,000, but that afterwards, and now, the proposition before the Imperial Government is that the Canadian Government should contribute £15,000 of the £60,000, leaving £45,000.

Sir ALEXANDER CAMPBELL. I believe it to be so, but we always refused to contribute towards the £100,000, because we thought that we had contributed to the Canadian Pacific Railway, what had cost us £25,000,000, to the whole system; and therefore, we naturally declined contributing any more. Afterwards, when we found there was a difficulty about it, rather than see the thing drop through, we resolved that we would contribute to this service.

The PRESIDENT. That is as regards the line to China?

Sir ALEXANDER CAMPBELL. Yes, I believe so, subject to correction, not having seen any of the papers.

The PRESIDENT. Mr. Sandford Fleming's observations would apply to the general utility, either of the line to China or of the line to Australia.

Sir ALEXANDER CAMPBELL. Yes; it stands thus, I believe, now. My communication is simply a telegram from Sir John Macdonald, that the Canadian Government would contribute substantially (without naming a sum) towards a service to

Australia, and would contribute £15,000 of the £80,000 which would be necessary to pay for a monthly service from Victoria to China.

Sir SAMUEL GRIFFITH. Would they contribute anything to a service to Australia?

Sir ALEXANDER CAMPBELL. Yes; the amount has not been mentioned but they would contribute a substantial amount towards the Australian service.

The PRESIDENT. We understood that there was some possibility of the Dominion Government contributing to the Pacific steam service, and in March I telegraphed to know whether the Canadian Government were willing to contribute, and the answer was that they were not prepared to do so; and subsequently they signified their readiness to contribute £15,000.

Sir ALEXANDER CAMPBELL. According to me that is a mistake. The telegram was a refusal to contribute to the £100,000. We so understood it.

Mr. RAIKES. Shall we have any more definite form of proposal for a postal service to Australia, *via* the Canadian Pacific?

Sir ALEXANDER CAMPBELL. I thought you had had it, but I will take care that you shall have it.

Mr. RAIKES. I am extremely interested by it, and I shall be glad to have it as soon as possible.

Sir ALEXANDER CAMPBELL. A paper has been given to me this morning which speaks of the tender having been made.

The PRESIDENT. The £80,000 was actually mentioned in the telegram.

Sir ALEXANDER CAMPBELL. I am wrong then; but I had supposed that the refusal related wholly to the £100,000.

The PRESIDENT. Would you read that paper you were speaking of?

Sir ALEXANDER CAMPBELL. It is suggested how the necessary amounts might be divided between the Imperial Government, New Zealand, Australia, and Canada. "Imperial Government: (a.) Armed Cruiser Fund—The five vessels would, on account of their speed and construction, be entitled to the same arrangement which exists with the Cunard and White Star Companies. (b.) Post Office. The cost of conveying the New Zealand and Australian mails between London and San Francisco, for the present monthly American service amounted, it is understood, in the year 1885-86 to £16,609. It is proposed to include fortnightly delivery of the mails at Fiji." Of course it is a puzzle to us why that should be paid for a service going through the United States, when we can give just as good a service going through our own country. Then the paper goes on—"New Zealand. In 1885, the cost to New Zealand of the Pacific monthly service was stated by the Postmaster-General of the Colony to be as follows:—

	£	s.	d.
Subsidy.....	29,798	0	4
Bonus to contractors .....	3,030	6	8
Light dues .....	663	0	0
Inter-provincial agents, &c.....	6,796	8	1
Total.....	40,287	15	1

It is thought that under the proposed Canadian service, New Zealand will secure a fortnightly mail delivery at less cost than is at present paid for a di-jointed monthly service, including a subsidy of £5,000 (or whatever smaller amount may be desirable) for the branch service between Auckland and Suva, Fiji. The amount at present paid for this monthly line appears to be £1,690 per annum." It is a long paper going on in that way.

The PRESIDENT. Is there any objection to our having that printed?

Sir ALEXANDER CAMPBELL. You can have it.

The PRESIDENT. I suppose that the proposition has not been made formally to New Zealand?

Sir SAMUEL GRIFFITH. The Australian colonies would like to know about the Canadian Pacific route as a passenger route in the winter time.

Sir ALEXANDER CAMPBELL. It is a very good passenger route in the winter time. You hear stories, of course, of delays by snow, but they are not serious delays. There has been a delay this winter at Monckton, near Halifax, of three or four days; but generally speaking there is less snow on the great distances across the Canadian Pacific than there is near our own home, Halifax and Ottawa.

Sir SAMUEL GRIFFITH. What is the extreme of cold?

Sir ALEXANDER CAMPBELL. The average cold is not very great. They go in good covered cars, and they have stoves in the cars and all that kind of thing. They would experience no hardship whatever; they would go as comfortably as we sit in this room.

Mr. DEAKIN. You do not feel the cold while in the cars?

Sir ALEXANDER CAMPBELL. Not in the least. You might occasionally have a day with 40° or 44° or 46° outside, but only now and then.

Mr. SANDFORD FLEMING. But you can pass over in mid-winter inside the cars in a temperature of 60°; and in summer the heat is certainly not so great as the heat in the Red Sea, but it is pretty warm; you can, while travelling, not only have your dinner and breakfast in the most comfortable way, but you can have your bath if you please.

Sir ALEXANDER CAMPBELL. Mr. Fleming and I—at least, I beg his pardon—I have lived in Canada for the last sixty years, and we do not look as though we had suffered from cold.

Sir AMBROSE SHEA. Passengers are much more likely to suffer from heat in the carriages.

The PRESIDENT. This is certainly a very important paper, and it will be interesting also to the delegates from Australia, because it goes into the advantages that they would reap from this line. We had better have it printed, and then perhaps, Sir Alexander, you would be ready to undergo a little cross-examination at the hands of any of the delegates.

Sir ALEXANDER CAMPBELL. I shall be very happy to do so. Speaking with deference to everybody, I believe that the advantages of the route and the salubrity of the climate, and all of those things that Sir Samuel Griffith alludes to, are not fairly understood. You think that the climate is very much more severe, and that the distances are very much more laborious than is really the case.

Sir PATRICK JENNINGS. What is the total length of the line?

Sir ALEXANDER CAMPBELL. The length of the whole line from Halifax to the Pacific coast is about 4,000 miles.

Sir PATRICK JENNINGS. Is it true that as between the Canadian Pacific line and the United States line less snow falls in the northern latitude than in the southern latitude?

Sir ALEXANDER CAMPBELL. It is so, and here is very strong evidence of it, that cattle can remain out all the winter in Canada, and they cannot remain out in the northern States, which are south of us. Large herds of cattle remain out the whole winter, and get their food by scraping the snow from the grass.

Mr. SANDFORD FLEMING. When the reason is given the fact is easily understood. The altitude of the country is very much greater in the States than with us; we are at a lower level.

\* \* \* \* \*

The PRESIDENT. I think that settles the postal question, barring the consideration of Mr. Henniker Heaton's paper when it comes in. We shall proceed to consider the question of telegraphic communication to-morrow. I have had several communications from gentlemen who are very desirous of stating their views to the Conference upon different lines of telegraphs. For instance, Mr. Pender will be very glad to come; and Mr. Finch-Hatton, as regards a cable between Vancouver and Australia. I am not quite sure what the wishes of the delegates are upon that point; whether they would wish to hear a person like Mr. Pender, who no doubt has immense knowledge of telegraphic communication, or to hear a person like Mr. Finch-Hatton, who is the chairman of a proposed new company. We have not very

many papers before us; I do not exactly know what papers have been distributed. There has, I believe, been no other paper distributed, except as to the proposed cable between Canada and Australia. This single paper would not give us very much information, except that there is a letter in it from Mr. Pender attacking the proposal and stating his own views. That being the case, I am afraid we should hardly get full consideration of the question unless we saw Mr. Pender, who has a thorough knowledge of all the different lines. The Conference would not of course desire in any way to be supposed to be favoring one scheme against another. What they would desire is to have the proposals brought before the Conference and to discuss them by examination.

SIR ARTHUR BLYTH. I do not think we should see Mr. Pender without seeing Mr. Finch-Hatton.

THE PRESIDENT. I think it is very desirable that they should state their views to the Conference.

MR. HOFMEYER. I should like them to make a statement, but I should not like to discuss the question before them.

MR. DEAKIN. Certainly, if you have one you must have the other; but is it not better for this Conference to deal with papers rather than persons?

THE PRESIDENT. But I think we should ask them to be here.

SIR F. DILLON BELL. I wish now to ask permission to lay before the Conference a paper by Sir Julius Vogel, who was Postmaster-General in New Zealand, on the general question of telegraphic communication.

THE PRESIDENT. I think it is very desirable that you should put that paper in to-morrow, and we will have it printed. On the whole, would you think it desirable that I should communicate with these gentlemen?

SIR JOHN DOWNER. I think you had better not, Sir Henry, though I quite agree that if we have one we should have both; but I think it would be better for us to discuss the matter amongst ourselves, and if we find that it is necessary to have Mr. Pender and Mr. Finch-Hatton afterwards, then we may have them. But I think it would be more in keeping with the manner in which we have been conducting our proceedings, if in the first instance we discussed the question without those gentlemen being present.

THE PRESIDENT. I had no idea of those gentlemen coming in to hear the discussion, or to in any way assist in the discussion; but merely that they should be called in at some time or other after we have discussed the matter, for the satisfaction of the delegates, to enable them to ask any questions, and to supplement any information; and that then we should ask those gentlemen to prepare, if they wish it, any further paper.

MR. DEAKIN. All that I was suggesting was to have a printed paper first; and that only in the event of our not being able to get from the printed paper the information that we desired, we should fall back upon the individuals.

THE PRESIDENT. We have a discussion to-morrow upon the telegraphs, but we have only one printed paper; but after the discussion we might call in Mr. Pender, and ask him whether he has a paper to lay before us.

SIR SAMUEL GRIFFITH. Our minds are perhaps not well-informed on the subject. We have had various communications in writing from Mr. Pender, the last of them yesterday, but from all the communications that I have had from Mr. Pender, I am not at all convinced that his views are correct. I should like to know more about it, and I should like to hear what the other people have to say.

THE PRESIDENT. On the whole, it would perhaps be better to summon Mr. Pender and Mr. Finch-Hatton. (Hear, hear.) I do not know whether there is not another telegraph company, the Silvertown Company; they might like to come. It is not necessary that we should see them, but we have so little information about telegraphs that I think the delegates would like to hear something more.

MR. DEAKIN. The question was discussed by Mr. Downer and the two Postmasters General.

Sir JOHN DOWNER. Yes, let these gentlemen come and say what they have about the matter, and then we will discuss it after they have withdrawn. I quite agree to that suggestion, preliminary to the discussion.

The PRESIDENT. Then we could say, according to our ordinary rule, whether we desired their papers to be printed.

Sir SAMUEL GRIFFITH. For instance, Mr. Pender contends that a monopoly is absolutely essential for the good government of telegraphic communication to Australasia; I should like to know why.

### III.—3.

WEDNESDAY, 20th April, 1887.

#### *Present :*

The Right Hon. Sir Henry T. Holland, Bart., G.C.M.G., M.P., Secretary of State for the Colonies. President.

The Right Hon. Henry Cecil Raikes, M.P., Postmaster General.

The Right Hon. the Earl of Onslow, Under Secretary of State for the Colonies.

Mr. Stevenson A. Blackwood, C.B., Secretary of the Post Office.

Mr. C. H. B. Patey, C.B., Third Secretary of the Post Office.

Mr. John Bramston, C.B., Assistant Under Secretary of State for the Colonies.

#### Representatives :—

##### Newfoundland :—

Sir Robert Thorburn, K.C.M.G., Premier.

Sir Ambrose Shea, K.C.M.G.

##### Canada :—

Sir Alexander Campbell, K.C.M.G., Lieutenant Governor of Ontario.

Mr. Sandford Fleming, C.M.G.

##### New South Wales :—

Sir Patrick Jennings, K.C.M.G., late Premier.

Sir Robert Wisdom, K.C.M.G., formerly Attorney General.

Sir Saul Samuel, K.C.M.G., C.B., Agent General.

##### Tasmania :—

Mr. Adye Douglas, Agent General.

##### Cape of Good Hope :—

Mr. Jan Hendrick Hofmeyr.

Sir Charles Mills, K.C.M.G., C. B., Agent General.

##### South Australia :—

Sir John William Downer, K.C.M.G., Q.O., Premier.

Sir Arthur Blyth, K.C.M.G., C.B., Agent General.

##### New Zealand :—

Sir Francis Dillon Bell, K.C.M.G., C.B., Agent General.

Sir William Fitzherbert, K.C.M.G., Speaker of the Legislative Council.

##### Victoria :—

Mr. Alfred Deakin, Chief Secretary.

Sir James Lorimer, K.C.M.G., Minister of Defence.

Mr. James Service, late Premier.

##### Queensland :—

Sir Samuel Walker Griffith, K.C.M.G., Q.C., Premier.

Sir James Garrick, K.C.M.G., Q.O., Agent General.

##### Western Australia :—

Mr. John Forrest, C.M.G.

Mr. Septimus Burt.

##### Natal :—

Mr. John Robinson.

The PRESIDENT. Gentlemen, as regards telegraphic communication the only papers that I have been able to collect and distribute for the use of the delegates refer to the proposed cable between Canada and Australia, and in those papers will be found some letters addressed to myself from Mr. Pender, stating general views upon telegraphic communication and the advantages of his own company. I suggest that the best arrangement for to-day will be, in the first place, to ask Mr. Sandford Fleming, as the proposed cable between Canada and Australia is the first question before us, if he would now state his views with respect to that cable.

I would state to the delegates that both Mr. Pender and Mr. Finch Hatton are here, but that it would be desirable that we should have our discussion carried on in the absence of these gentlemen, and then we can call them in, and questions arising out of the discussion can be asked them, if it is thought necessary. I think that was decided yesterday. Mr. Sandford Fleming will now state his views about the proposed cable between Canada and Australia.

Mr. SANDFORD FLEMING. Yesterday I referred to the value of the Canadian Pacific Railway as a postal route to Australasia and to the British dependencies in Asia.

The other means by which the public works of Canada may be turned to the use of the Empire is as a telegraph route. There can be no efficient intercourse now-a-days without the telegraph. The chairman on the first day of the Conference quoted from an excellent authority to show that general mercantile business cannot be economically conducted without the telegraph; that in fact the telegraph is an indispensable auxiliary to all commercial transactions between persons separated by distance. In this view I do not see it possible that any profitable business intercourse can spring up between Australasia and Canada without a direct telegraphic connection. It is quite true that already telegraphic wires extend from Canada to England and from England to Australasia; but imagine for a moment, business men on opposite sides of the Pacific being obliged to communicate with each other by sending messages round the globe no less than five-sixths of its whole circumference!

The heavy charges by the circuitous route, the delays and the risk of errors consequent on the numberless repetitions in the transmission of messages, would prove such an impediment to general intercourse as to render the existing line by way of Europe of little or no use. It could only be resorted to in extreme cases.

There cannot be a doubt that if there are to be more intimate relations, if any progress is to be made towards a closer union or intimacy of any kind, the first thing to be thought of is a direct telegraphic connection. Without it the young mercantile marine on the Pacific would be ruinously handicapped and the successful development of commerce rendered impossible.

But beyond the promotion of commercial and social relations there are other considerations of the highest importance.

It is only necessary to look at a telegraph map of the world to see how dependent on foreign powers Great Britain is at this moment for the security of its telegraphic communication with Asia, Australasia, and with Africa; in fact it may be said that the telegraphic communication between the Home Government and every important division of the Empire, except Canada, is dependent on the friendship (shall I say the protection?) of Turkey. Is not Turkey continually exposed to imminent danger from within? Is she not in danger of falling a prey to covetous neighbors whose friendship towards Great Britain may be doubted? What has it cost in British blood and treasure to obtain the goodwill and give strength to a power so weak? And yet the Ottoman Government on which we depend for communications with India, and Australia, and the Cape Colonies appears continually exposed to impending disaster.

The Suez route has proved convenient in the past and it may prove useful in the future; but when our object is to strengthen the Colonial system is it wise to be so dependent on a power the condition of which is so critical?

I venture the remark that the patriotism and enterprise of Canada has opened up the way by which the British Empire may be placed entirely independent of any foreign power with respect to its telegraphic communications.



The western terminus of the Canadian Pacific Railway, Vancouver, is in telegraphic connection with London. Communications have passed between London and Vancouver and replies returned within a few minutes. From Vancouver cables may be laid to Australasia by way of Hawaii, or they may be laid from one British island to another and thus bring New Zealand and all the Australian Colonies directly into telegraphic connection with Great Britain, without passing over any soil which is not British, and by passing only through seas as remote as possible from any difficulties which may arise in Europe.

Again, India can be reached from Australasia by the lines of the Eastern Telegraph Company. South Africa can be reached through the medium of the Eastern and South African Company, and thus by supplying the one link wanting the Home Government will have the means provided to telegraph to every important British Colony and dependency around the circumference of the globe without approaching Europe at any point.

I respectfully submit that the establishment of a telegraph from Canada to Australasia is, for the reasons given, a question well worthy of earnest consideration, and as a Canadian it is a matter of great gratification to me that it has been brought by the Secretary of State for the Colonies to the notice of this Conference.

My own views are given at some length in printed documents which have been circulated within the last few days; I need not therefore take up your time further in expounding them. I will only notice very briefly the letters of Mr. John Pender which have also been placed in the hands of members of the Conference. Mr. Pender speaks on behalf of the existing telegraph companies, and it is not unnatural that he and they should be hostile to a new line which would undoubtedly destroy their monopoly and reduce the exceedingly high charges which they have so long enjoyed.

Mr. Pender objects to the proposal to connect Canada with Australasia telegraphically on several grounds. He states that the line "would necessarily consist of long stretches across enormous and practically unsurveyed depths terminating in coral reefs," and he leaves the impression that the project is impracticable or next to impracticable.

In Canada, and I doubt not in the other colonies, we have learned to disregard objections of this kind. At one time it was declared by a very high authority, an Imperial scientific officer specially commissioned to examine and report, that it was quite impracticable to establish a railway through the territories now forming the Dominion. This officer was not chairman of any company whose profits were at stake; he was an able, earnest man, with a deservedly high reputation. He was assisted by a staff of scientists equally able and reliable, who were engaged with him in exploring the country for a period of four years. I shall give a paragraph from his report addressed in 1862 to His Grace the Duke of Newcastle, then Colonial Secretary:—"The knowledge of the country on the whole would never lead me to advocate a line of communication from Canada \* across the continent to the Pacific exclusively on British territory. The time has now for ever gone by for effecting such an object, and the unfortunate choice of an astronomical boundary line has completely isolated the central American possessions of Great Britain from Canada in the east, and also debarred them from any eligible access from the Pacific coast on the west."

Notwithstanding this exceedingly discouraging declaration, the work has been grappled with, and the railway is constructed, and I may add that a magnificent train service with appointments for the most luxurious travellers passes over it every day in the week. Is it surprising that colonists are disposed to reserve their judgment when any project of a similar kind is pronounced even by good authority to be impracticable? It is perfectly true that our information respecting the Pacific Ocean is incomplete, but so far as it goes there is nothing on which to base an unfavorable opinion. Two years back I personally looked with attention into the whole matter, and I put on record the conclusion which I arrived at.

\* Canada at that date embraced only the Provinces of Ontario and Quebec.

I beg leave to read a paragraph from a published letter which I addressed to the Premier of Canada, Sir John Macdonald, Oct. 20, 1885:—"There are, indeed, extensive coral reefs in the central and southern Pacific; but the most authentic hydrographic information establishes that those reefs are generally in great groups, separated by wide and deep depressions free from obstructions. It is further revealed by the latest bathymetric data that those depressions or troughs present (as far as ascertained) a sea floor precisely similar to that of the Atlantic, so suitable for submarine telegraphy. Those ocean depressions, alike by their geographical position and their continuity, open up the prospect of connecting Canada and Australia by a direct cable."

Mr. Pender says that a telegraph from Canada to Australasia would not benefit the Colonies and that "it would be inimical to the interests of the telegraphing public."

It is not at all necessary to occupy your time at any great length in refuting this contention. I shall only remark that the Canadian Pacific Railway Company have made arrangements to transmit all Australasian telegraph business over their wires across the Continent for twopence halfpenny per word and that the ordinary charge across the Atlantic is sixpence per word, making a total charge of eightpence halfpenny per word from Vancouver to London. Vancouver is 5,500 miles from London, and the nearest point of Australasia is 6,500 miles from Vancouver. Vancouver to London is therefore, the shortest half, but if the actual charge for transmission on the short half be 8½d., at the same rate messages should be sent the whole distance for a little more than double, or say, 1s. 8½d. per word. On reference to the published tariff of the company represented by Mr. Pender I find that the charges for ordinary messages are as follows, viz.:—

		Per Word.	
		s.	d.
London to New South Wales.....	.....	9	6
do Queensland.....	.....	9	9
do South Australia.....	.....	9	4
do Victoria.....	.....	9	4
do Western Australia.....	.....	9	4
do Tasmania.....	.....	9	11
do New Zealand.....	.....	10	6

From this it appears that the lowest charge for the transmission of ordinary messages by the existing line to any one of the seven colonies is nine shillings and fourpence per word. I ask if a reduction from 9s. 4d. to 1s. 8d. per word would be inimical to the interests of the telegraphing public and no benefit whatever to the colonies?

I have based the comparison on the actual Atlantic charges at the present time, and on a decision deliberately arrived at by the Board of Directors of the Canadian Pacific Railway Company with respect to Australasian business. On this basis I have reckoned one shilling per word for the Pacific service, but even if the three rates be doubled it needs no words of mine to prove that the gain to the telegraphing public and the colonies would be enormous.

I am sanguine enough to believe that the moment Canada and Australia are telegraphically connected there will be a wonderful development of telegraphic activity, and business will far exceed present conceptions.

Mr. Pender alludes to the Pacific as if its depth was a serious objection to telegraphic submersion. The soundings which have been made on the route to be traversed go to show that the greatest depth is from 3,000 to 3,100 fathoms. This is indeed greater by about 100 fathoms than the depth of waters in which cables have been successfully laid; but the excess is trifling. I must, however, bring to your notice that the depth is itself an element of security. The cables in deepest water at the present time are those of the Brazilian Submarine Telegraph Company,\* and it is a singular fact that this company, with cables sunk to a depth of 2,900 fathoms, has paid far less than any other company for cable repairs. This company owns some 7,340 nautical miles of cable; if I am correctly informed it has never owned a

repairing ship, and I believe it has only carried out two or three repairs in the 13 years it has existed.

Does not this go a long way to establish that telegraph cables are by far the most secure in deep water? Only cables in shallow waters, such as those of the Eastern and Eastern Extension Companies, are exposed to the ravages of marine insects, and in consequence continually need repair and renewal.

Mr. Pender urges that in case of war it would be impossible to protect cables laid across the Pacific. I venture to enquire would it not be infinitely more difficult to protect the cables and the land lines of the companies represented by that gentleman?

Look at the telegraph map of the world and judge of their respective security. The lines of the Eastern and Eastern Extension Companies have stations in two foreign countries—Egypt and Java—the one under the sovereignty of Turkey, the other of Holland. All or nearly all the cables of these companies are laid in shallow water, and nothing could be easier than to drag them to the surface anywhere. From England to Egypt they skirt every country in Southern Europe, and are exposed at every point for the whole distance.

<sup>a</sup>Laid from Lisbon to Pernambuco, in South America, *via* Madeira and Cape Verde Islands.

The Pacific cables on the other hand would not be so exposed, they would be far removed from every country likely to prove hostile to England, they would be laid in deep water as the Atlantic cables are, and they would be laid under circumstances which would render it no easy matter for a foreign ship to find them.

Mr. Pender contends that the cables of his companies would "be the special object of the vigilant care of the Royal Navy." If I may hazard an opinion, it is not improbable that the ships of the Royal Navy would have other work urgently demanding their attention than standing sentry on every mile of the cables extending from England to Aden.

I think it must be obvious without further argument that all the cables of the Eastern Telegraph Company are so vulnerable, that the existence of an alternative line through Canada and the Pacific would be of incalculable advantage. The possibility of sending a single message in any emergency *via* Canada and the Pacific, might actually be worth more to the Empire than the whole cost of the new line.

Mr. Pender submits "that the existing company as the pioneer of telegraphic communication with Australasia is entitled to a large share of consideration at the hands of the colonies." There may be much truth in this, as I am not familiar with the history of the work of extending submarine telegraph service to the Australasian Colonies. I will only observe that this is not the first time that a company or an individual has been called upon to relinquish a monopoly by the exigencies of the public welfare.

I do not wish that any injustice be done to this company or any individual. If they have any claims for consideration or compensation these claims should undoubtedly be met in a fair and honorable manner. But I ask, is it for a moment to be thought that Canada and Australasia are never to hold direct telegraphic intercourse because a commercial company stands in the way? Are commercial relations between two of the most important divisions of the British family for ever to remain dormant in order that the profits of a company may be maintained?

Has Mr. Pender's company more claim to consideration than the Australasian Colonies themselves, and are the people of these colonies never to be relieved of the exorbitant charges which that company exacts?

Is Canada entitled to no consideration? Are all her efforts—all her expenditure—all her aspirations—to go for naught?

Are the vital interests of the British Empire to be neglected? Is the permanent policy of England to be thwarted? Is the peace of the world to be endangered at the bidding of a joint stock company?

In 1843 the instructions given to that distinguished Ambassador, Lord Stratford de Redcliffe, contained these words:—

"To preserve the peace of the world is the leading object of the policy of England. For this purpose it is necessary in the first place to prevent to the utmost of our power the breaking out of new quarrels; in the second place to compose, where it can be done by friendly mediation, existing difficulties; and thirdly, when that is hopeless, to narrow as much as possible their range; and fourthly, to maintain for ourselves an imperturbable neutrality in all cases where nothing occurs to affect injuriously our interests or our honor."

I believe, Sir, that these noble sentences define the policy of England to-day as they did sixty years back. The circumstances are, however, not the same, and there are, if possible, stronger reasons for adhering to that policy than there ever were. Colonies are planted in the four quarters of the globe, and British interests are world wide. The Eastern Question has long been a burning question; but England is now less concerned with Europe than with Australasia, Africa, Asia, and America. If to preserve the peace of the world be the leading object of the policy of England, that object may most surely be attained by England concerning herself less with Europe and more with the English people and the Queen's subjects beyond Europe. To follow such a course is, to my mind, dictated by a proper apprehension of the situation no less than a sense of duty to ourselves. The entire future of the British Empire may largely depend on our wisely availing ourselves of opportunities which are now presented to strengthen the cohesion of the colonies to each other and to the mother country. If that end is to be accomplished, I respectfully submit that Canada's contribution, on which she has incurred liabilities which will tax her people £1,000,000 sterling a year for all future time, should not be lightly regarded.

If there is to be any practical progress made in consolidating the Colonial Empire, the establishment of such new lines of Imperial communication as I have alluded to, by telegraph and by fast merchant cruisers, is to my mind an absolute necessity.

Would not the establishment of such communications open the way for securing to the Empire in perpetuity a masterful hold on the Pacific? Prepared for the worst that may happen in Europe, would not England, occupied with her own people and pursuing her own noble aims, be in a position to regard the Eastern Question with comparative indifference?

Is it not the duty of the British people scattered around the globe to set about putting their house in order? Is not that one of the main purposes of this Conference? Is it not wise and proper to strengthen the cord of patriotism which runs through Canada and Australasia and every one of the colonies in the two hemispheres? Is not everything else secondary to the obligation resting upon us to attend to vital affairs which concern us in common?

These views, suggested to me by my own more immediate range of thought, are submitted to the Conference with all deference. (Hear, hear.)

The PRESIDENT. Perhaps as the Postmaster General has to go away on business the delegates will allow him to make a few observations now upon the general question of telegraphic communication.

Mr. RAIKES. I have listened, I am sure in company with everybody who is present here to-day, with very great interest, and with very sympathetic interest, to the extremely able paper which Mr. Sandford Fleming has just read to us. I think it is a most valuable contribution to this question, and I only hope that by some means or other it may become more widely known than it would be if it were confined only to members of the Conference. I have been fortunate enough to secure the attendance here to-day of my friend Mr. Patey, who is the secretary of the Post Office, who is specially charged with the Telegraph Department, and than whom I suppose no greater authority upon telegraph matters exists—he will be most happy to place his knowledge at the disposal of the Conference, to answer any questions, and take part in any discussion which may arise upon any particular point concerning the telegraph service of the Empire; but I confess, confining myself entirely to the general aspect of the question, I sincerely trust that the Conference will not break up without expressing some very decided opinion in favor of the general policy indi-

cated by Mr. Sandford Fleming's paper. Mr. Canning, in a celebrated speech made by him some years ago, said he had called the New World into existence in order to correct the balance of the Old. It occurred to me while I was listening to the last eloquent words of Mr. Sandford Fleming that here we have in a peaceful way an opportunity afforded to us of utilizing the western world and the western route as a means of escaping from the many difficulties and embarrassments which cluster around the eastern world and the eastern route. It would seem as if Providence had specially indicated some such course of communication between Australia and England when, after the separation of the United States from the British crown, we were still left in possession of those vast territories which Canadian enterprise has more recently developed in an astonishing manner, and which may well become a highway between the mother country and her more distant possessions. Much has been done by the establishment of the Canadian Pacific Railway, and Canada has certainly shown the way both to the old country and to her younger sisters in this view of the question. Undoubtedly very much remains to be done; whether it would be found possible to create that connection across the Pacific by the steamers to which reference was made yesterday in the early part of Mr. Fleming's paper, or whether it may be found more convenient and more practicable to connect Vancouver Island with Queensland by a cable, is a matter upon which I hope the deliberations of the Conference may throw some light; but I cannot help saying with regard to certain points which Mr. Fleming has combated in Mr. Pender's expressed views upon this question, that it would be, I think, absolutely impossible for the English people, or for Her Majesty's Government to recognize any monopoly such as seems to be claimed, by any company, however deserving their enterprise may have been. (Hear, hear.) And to suppose that enterprise directed in the first instance to establishing communication between the mother country and the colonies should be allowed when it has grown up to throttle all possible rivals, and to preclude the extension of the communication, seems to me to be a position which would never be accepted either by the colonies or by the British Parliament. It would, of course be rather a difficult thing to say how far the British Government would be justified in entering into competition itself with an existing commercial enterprise—the rates, no doubt, are immensely high—they have been rightly quoted by Mr. Fleming and I have a paper here which Mr. Patey has brought from the department, which may be interesting to the Conference, as indicating the shares of this sum which are divided between the Telegraph Company and the other persons or companies who participate in the advantages of the existing tariff. Now, I find that the minimum charge to Australia has been correctly stated at 9s. 4d., which is the equivalent of 11 francs 40 centimes, which has been divided in this manner. Taking the case of South Australia, the cost of each word which is telegraphed from England to South Australia as far as the first stage of the journey is concerned—that is to say from England to India—is 4f. 25c. or 3s. 6½d.; the Eastern Extension Company takes from India on 5 francs 50 centimes, which would represent 4s. 8d. The Javan Government receives only 15 centimes, or 1½d., and the further charge of crossing Australia from the point where the cable touches it until it reaches South Australia is 1 franc 40 centimes, or 1s. 2d. I should point out that with regard to the charge made from England to India, of the initial charge of 4 francs 25 centimes, only one half-penny is received by the British Government, and about 8d. by the Indian Government; so that out of that first expenditure of 4 francs 25 centimes or 3s. 6½d., 2s. 8d. goes to the Eastern Telegraph Company, and only 8½d. to the English and Indian Governments between them. Therefore you have to add the 2s. 8d. of that charge to the 4s. 8d. in the further charge of the Eastern Extension Company, making altogether something between 7s. and 7s. 6d., which would represent the actual charge made by the existing companies for the transmission of one word. When we are told by Mr. Fleming that it may be possible to transmit words at the rate of about 2s. per word *via* Canada and the Pacific, we see at once the perfect revolution in the communication between the Australian colonies and the mother country which would be effected if such an arrangement could be carried out. But I think the Conference

will feel that while fully appreciating the importance of this, and largely sympathizing with what I believe to be the most beneficial change of any of the changes which can come out of this Conference, it would be a matter of extreme difficulty, I think without precedent, for the English Government itself to become interested in such a scheme in such a way as to constitute itself a competitor with existing commercial enterprise carried on by citizens of the British Empire. There would be a very serious question raised, and it would be possibly extended to other forms of British enterprise, for instance, railways; but if private enterprise can be found to do this, and if the Colonial Governments can, by giving assistance and encouragement, develop and give aid to such a scheme, at least, I think, they may be confident that any government which holds the power in this country will not be slow to do what it can in the way of legislation and administration to facilitate and carry out a scheme which must bring about such incalculable advantage to Her Majesty's subjects both at home and in the colonies; and if there is any way which the delegates can indicate to the postal authorities here in which their co-operation can be utilized for carrying out the development of a scheme pointing in this direction, utilizing that magnificent girdle which the enterprise of Canada has cast across the great American Continent, and utilizing the quieter and the less disturbed seas of the Pacific. I quite agree with what Mr. Fleming has said as to the greater remoteness from possible attack and seizure by foreign powers; if, I say, the delegates can give us any practical notion of how the post office here can make itself useful in developing and carrying out a scheme of this description, I think they can count upon the most cordial assistance of the department in every respect.

**MR. SERVICE.** Mr. President, would you allow me to mention one other question? Mr. Raikes mentioned just now the charge by the Indian Government as being 8d. a word for crossing the Indian portion of the line; it has been always asserted, and I believe with truth, that that charge is considerably larger, I think somewhere about double—

**SIR JOHN DOWNER.** It is three times as large, it is 7½d. as against 2½d.

**MR. SERVICE.** It is very largely in excess of what is charged by the Indian Government for the transmission of what you may call their own domestic messages across the same extent of country. If there is any information which can be given to the Conference as to the reason why the Indian Government should levy what I may almost call a barbarous tax, not only upon a uniting but upon a civilizing machinery of this sort passing through its territory we should be only too happy to receive it.

**MR. DEAKIN.** The cost for Australian messages crossing India is 7½d., the cost of urgent internal telegrams is 5d., and the cost of ordinary internal telegrams is 2½d.; so that actually the charge levied upon us is half as much again as for urgent internal telegrams, and three times as much for ordinary internal telegrams passing through India.

**MR. RAIKES.** I am quite aware of the existence of the practice, and of course the delegates will be aware that the post office here is in no way responsible for it. A question was asked about it the other day in the House of Commons and was referred by me to a gentlemen representing the India Office in the House of Commons, and he gave a statement which corresponds with what Mr. Deakin has given. That is just an example of what I venture to suggest, and we shall be most happy if the delegates here will fortify our hands by such an expression of opinion as will enable us to address ourselves to the Indian Government upon this question.

**MR. DEAKIN.** There will be no difficulty about that.

**SIR SAUL SAMUEL.** I should like to say that we have already applied to the Indian Government for a reduction of this charge, and that reduction has been refused.

**MR. RAIKES.** A good deal may be done by the Conference I think.

**SIR SAUL SAMUEL.** I understood Mr. Raikes to say that the Government would favor the proposal for a second cable; may I ask whether the Government would be prepared in any way to contribute to a subsidy towards it?

Mr. RAIKES. I ventured to point out as far as I could, and I used guarded language, that it would be contrary to the practice of the English Government to engage in competition; that is to say, to associate itself with any enterprise which is competing with another enterprise, in other words, to give advantage to one scheme as against the other; but when you come to the question of dealing with subsidies apart from an Imperial point of view, I would rather reserve the consideration of that matter, if Sir Saul Samuel will allow me, without expressing an opinion about it.

Sir SAUL SAMUEL. I quite understand Mr. Raikes to give a guarded opinion, but as it is a matter which we shall have to consider, I thought it well that we should have it clear.

Mr. DEAKIN. The Postmaster General, I understand, thinks it impossible that as a member of Her Majesty's Government, he could say anything as to what the Government would be prepared to do.

The PRESIDENT. Mr. Patey will answer any question before we have a discussion, if there is any particular question which any member of the Conference may wish to ask.

Mr. DEAKIN. I suppose it is almost unnecessary to ask the question, but I presume Mr. Patey's knowledge would enable him to say that he foresees no insuperable difficulty in the construction of this Pacific cable—that it is a matter which comes fairly within the range of practicability.

Mr. PATEY. Certainly the difficulty, looking at it from a post office point of view, that of expense, is, as was suggested by Mr. Fleming, the great depth at which the cable would have to be laid, the depths are far beyond anything in the Atlantic, and it is very questionable whether the cable could be laid without a great deal of difficulty; but it is a greater question still whether the cable could possibly be repaired in the great depth at which it would certainly lie between Australia and Vancouver's Island. I do not say that it could not possibly be repaired, because old cables have frequently been picked up at very great depths, but still it is a very great question.

Mr. DEAKIN. What is exactly known of the depth?

Mr. PATEY. I think in one or two cases the depth goes down to 11,000 or 12,000 fathoms.

Mr. SANDFORD FLEMING. It has never been contemplated to lay the cable in these depths. The depths in the Pacific Ocean vary, the greatest depths are in two localities, one near Japan and the other to the south and west of the Sandwich Islands, but it has never been proposed to carry the cable over those depths. The cable which it is proposed to lay will be, as I stated, in depths generally less than 3,200 fathoms, the depths in the Atlantic are not very much less than that. The Brazilian cable is laid in about 2,960 fathoms, and the greatest depth upon the route of the Pacific cable would as far as we know be 3,200 fathoms. (Hear, hear.)

Sir PATRICK JENNINGS. I have here before me a report conveyed to the Government of New South Wales not very long ago, in which it is stated, and this is a very important statement; "The only soundings throughout the route are a few taken by the United States frigate 'Tuscarora,' which in some places were over five miles in depth." Is there within the knowledge of the Post Office Department any further hydrographic knowledge as to the soundings in these seas, or may we take it from this statement that the only soundings are those which have been made by the "Tuscarora?" This is the report on the cable communication between Australia and Great Britain, and correspondence by Mr. Cracknell, Superintendent of the Electric Telegraphs. "The first section would be from New Zealand to Levuka, Fiji, a distance of 1,239 knots, with an unsurveyed depth of water; the next section would be to Apia, Samoa, 680 knots, also coral formation; thence to Honolulu, 2,404 knots, the only landing being through coral reefs; from Honolulu to San Francisco, 2,197 knots." It was then spoken of as going to San Francisco. I suppose if this means of communication were adopted it would be a matter of policy to have it all through British territory. "The only soundings throughout the route are a few taken by

the United States frigate 'Tuscarora,' which in some places were over five miles in depth." I have not seen any further contribution to the knowledge of the conformation of the sea bottom of the Pacific Ocean beyond this statement, and am not aware that there is any British ship employed in the survey, or that we have any greater information than is supplied in this statement with regard to the formation of the sea bottom in the north and south Pacific.

Mr. PATEY. The depths I mentioned just now to the Conference were taken from the depths given recently from the survey made by the "Challenger," and those depths I find in the latest edition of the Imperial Atlas. I have just asked whether there is an Atlas here, and I will be able to point the position of those depths out upon that.

Mr. SANDFORD FLEMING. I have a map before me which shows that the soundings are exactly as I have stated.

Mr. PATEY. I do not dispute that, but I think the question is where the depths are that you speak of.

Mr. SANDFORD FLEMING. The greatest depths spoken of are a very long way, I may say thousands of miles, from the proposed line of the cable.

Mr. DEAKIN. Did we understand you to say 12,000 fathoms?

Mr. PATEY. Yes, 12,000 fathoms.

The PRESIDENT (to Mr. Sandford Fleming). It would be well for the purpose of the shorthand writer if in some way you would identify the map to which you are referring.

Mr. SANDFORD FLEMING. This is a map showing the soundings of Her Majesty's ship "Challenger," from 1873 to 1876.

Mr. SERVICE. Would there be a difficulty in sinking the cable to that depth.

Mr. PATEY. We are not quite certain whether it would not be necessary to sink it artificially; we have had no experience of laying cable in such great depths.

Mr. SERVICE. The question is whether the cable would require to be artificially sunk or whether it would act if suspended in the water at the point at which it would not sink any further by its own weight.

Mr. PATEY. The cable would certainly act if it was suspended, at whatever depth it was.

Mr. SERVICE. Would there not be an advantage in suspending it? It seems to me that you would get rid to some extent of the marine insects which are very apt to damage the cable and that there would be less difficulty in raising it. Could you tell us what the depth would be at which the cable would reach that point at which it would remain suspended.

Mr. PATEY. I do not know that at all.

Mr. SERVICE. It is outside the range of practical knowledge.

Mr. PATEY. Yes, it is outside the range of practical knowledge.

The PRESIDENT (to Mr. Sandford Fleming). I understand you to state from your own experience and knowledge that in laying this cable it would not be necessary to go to these extreme depths.

Mr. SANDFORD FLEMING. I have no reason whatever to think that it would be necessary to go beyond the depths that have been spoken of by me. I have already stated that a cable has been sunk to a depth almost as great, namely, the cable which is stretched from Lisbon to Pernambuco, in South America, by the Brazilian Submarine Telegraph Company. It passes under water within about 200 fathoms of the depth that we have to pass under; 200 fathoms out of 3,000 is a mere trifle. I believe I am correct in stating that this cable laid in such depths has been in operation for thirteen years, and that there have been only, at the most, three repairs during the whole of that time.

Sir SAMUEL GRIFFITH. I wish to ask whether there is any reason to suppose that the coral formation would be an insuperable difficulty in maintaining the cable. There is no doubt of this—that all that part of the Pacific between Fiji and Samoa is more or less coral formation; there are a good many cables laid in coral seas—is there an insuperable difficulty in doing so in this case, do you think?



**MR. PATEY.** There is a very great difficulty attendant upon laying cables over coral formation, we should be afraid that the cable would soon chafe.

**MR. SANDFORD FLEMING.** On the contrary, will you allow me to say that a cable when laid upon a coral reef is likely soon to become embedded in the reef, the coral growing around it.

**SIR SAUL SAMUEL.** We have had experience that insects penetrated a cable after being embedded in the coral; but a new cable having been covered with a band of copper, that difficulty has been overcome.

**SIR SAMUEL GRIFFITH.** Would the difficulty, where the cable was lying deep upon coral, be as great as where it is brought in from the deep sea over a reef of coral?

**MR. PATEY.** The difficulty would be just where the sea breaks.

**SIR SAMUEL GRIFFITH.** Are there any places in which the cable has to pass over ridges of that kind?

**MR. PATEY.** In the West Indies considerable difficulty has been experienced in maintaining the cables on account of the coral reefs.

**SIR WILLIAM FITZHERBERT.** Is it not the case that the difficulty is at the landing places of the cable, but that in the deep sea where there are coral reefs, those reefs are only formed upon the top of high mountains, and do not go below a certain depth; and would not that, if that is true, go to show that it would not interfere with the durability of the cable, except at the point where the cable was landed?

**MR. PATEY.** It would be chiefly where the cable was landed, upon the wash of the wave.

**SIR WILLIAM FITZHERBERT.** So that we may dispense with that difficulty at every other point as to the laying of the cable except as to the place of landing.

**SIR JOHN DOWNER.** I wish to express my sympathy in common with everyone who is present with the sentiments which have been expressed by Mr. Sandford Fleming; and I also agree with him that in great national questions we must quite sink any individual interest, and look upon the matter from an altogether larger standpoint. But I would point out to Mr. Sandford Fleming that when he puts this as being a question as between Canada and the Australian Colonies on the one part, and an alleged monopoly that the Eastern Extension Telegraph Company wishes to maintain on the other, he scarcely states the position which the Pacific Telegraph Company really take in this matter. It is not a case of the Eastern Extension Telegraph Company seeking to maintain a monopoly; it is the case of the Pacific Telegraph Company asking for assistance from the Government to initiate an enterprise which would be in competition with what he is pleased to call a monopoly.

Quite agreeing with him generally in everything he has said as to the benefits that this line, if it were practicable, would afford to England, Canada and Australia, and while sympathizing with him altogether in these general expressions which are contained in the paper he read, I say that when he seeks to raise this as an issue between monopolists in the form of the Eastern Extension Telegraph Company, and those who wish to break the monopoly in the character of the Pacific Telegraph Company, the case is not fairly stated; because, so far from its being a case between a monopoly on one part, and somebody seeking to break it upon the other, it is somebody seeking for nothing from the Government, as against a Company which says they will not prosecute their enterprise unless they receive some assistance.

**MR. SANDFORD FLEMING.** I think that is a mistake.

**MR. SERVICE.** We also subsidize.

**SIR SAUL SAMUEL.** New South Wales, Victoria, South Australia, and Western Australia, join in the subsidy.

**SIR JOHN DOWNER.** That was for the second cable; but as far as the original cable was concerned, no subsidy was required.

Now, Sir, it may be that the time may come—I scarcely think the time has yet come—when these telegraph lines shall be taken out of the hands of private companies or individuals altogether and brought into the hands of the Government. But, Sir, I venture to say that when that time comes—when it is felt to be the duty of

the Government, in order to start a company such as is now proposed, to give them heavy subsidies—then at the same time the time will have come when, in fairness and justice, the companies which initiated and carried out at their own responsibility and at their own risk telegraphic communication between England and Australia, will be entitled to ask that their work shall be looked upon as a national work and to be taken over by the State.

If the proposal were to construct a new line and take over the old line as well, I can understand that that was a thing for which the assistance of the Government might be asked. But apart from the utility of the line now proposed for strategic purposes, but looking upon it as a matter of convenience for ordinary use—when the existing line could do double or three or four times the work it does at present, I scarcely think it would be reasonable to ask the Government to subsidize a new company for the purpose of making this new line without making at least an equal concession to the company which initiated the original work with the universal praise of everybody in Australia at great risk to themselves.

As far as the colony of South Australia is concerned, we have in this matter a personal interest. Our colony, large in area, though small in population, has spent nearly £600,000 in constructing this line, and it did it entirely at its own risk and at its own expense over a continent that was very little known—that was, in point of fact, not known—where exploration and telegraphic construction had practically to go together; and she has constructed that telegraph line with all Australia, I may venture to say, admiring the boldness of the action she then took.

Now, Sir, that line has not only cost South Australia a large sum of money, but it is still costing South Australia a large sum of money; it is maintained by South Australia at a great loss, and the proposition now is that a competing line should be sanctioned and subsidized by the Imperial Government and the Australian Colonies, with the inevitable result of making the loss to South Australia greater than it is at the present time.

If the matter were necessary from a national point of view, I would not put forward so small an argument as that as a reason why that which is right should not be carried out; but, referring to the details of this scheme, Mr. Sandford Fleming speaks of the extraordinary low rates at which, if this new line were constructed, telegraph messages could be transmitted. I was not previously aware that it was suggested that messages could be sent at the low rate Mr. Sandford Fleming has indicated. I thought 4s. was the lowest.

MR. SANDFORD FLEMING. I am not speaking of any particular company, but of the general question from a Canadian standpoint. I am not aware that there is anything before the Conference as to the Pacific Telegraph Company.

SIR JOHN DOWNER. There was a paper which I thought was before the Conference which has been before us all through.

THE PRESIDENT. There has been a paper which has been distributed.

SIR JOHN DOWNER. I have before me a letter from the Pacific Telegraph Company. I notice a number of names which are appended to it, and I see amongst those names Sandford Fleming, Esq., as one of the signatories to the articles of association.

MR. SANDFORD FLEMING. That is quite true. I was then, and I am quite prepared now, to use any little money I have to advance a project of this kind as far as it lies in my power; but I am not a director of the company, and I still think there is nothing from that company before the Conference. I hold in my hand all the papers; the letters of Mr. Pender are given, these I have replied to; there is nothing from any other Company.

SIR JOHN DOWNER. Of course these papers are sent to us. I am sure we have all had these papers; this the telegraph company admitted.

THE PRESIDENT. I do not think this discussion is necessary. Sir John Downer may go on; he is legitimately within his right in making these observations.

SIR JOHN DOWNER. Mr. Pender naturally wants to do the best he can for his company. On the other hand Mr. Sandford Fleming thinks that the Pacific Tele-

graph Company, to the articles of association of which he is one of the signatories, would be a very advantageous scheme both for the purposes of the state and also incidentally, I take it, to those who may happen to be interested in the success of the company. But, Sir, we have to consider this matter altogether apart from the question of monopoly, and altogether apart from the question of whether Mr. Pezder on the one hand takes too strong a view in favor of his company, and whether the gentlemen whose names are appended to the articles of association of the Pacific Telegraph Company take too partial a view in favor of their particular scheme. The difference between the position South Australia was in at the time she incurred this large expense, and the position which is sought by the Pacific Telegraph Company is this: that when the venture was altogether in speculation, and was absolutely untried, and thought to be impracticable by most of those who were looking on at the work which we were doing, we did it at our own expense and without any assistance. Then the question comes whether it would be a fair thing under any circumstances for the Imperial Government to assist in a new scheme without taking care at the beginning that the colony which largely was instrumental in the construction of the telegraph line by which Europe communicates with Australia, should at all events be no loser through her original enterprise.

So far, too, as the figures are concerned, as I was saying when Mr. Fleming interposed, there had been previously no suggestion that messages could be sent at the extraordinarily low rate that Mr. Fleming now mentions. The scheme, as proposed, as I understand it, was that there should be a subsidy of £100,000, and then that messages should be sent at the rate of 4s. a word, the Governments of the Australian colonies having a right, as far as Government messages were concerned, to send them free of charge so long as the amount did not exceed their proportion of the subsidy. That was the proposal, as I think most of the gentlemen here understood it, and I did not know that there was even a suggestion of the possibility of the work being done at a much less cost than that—in fact I never knew before that it was seriously argued that this would be a much less expensive route than the present one—I thought the argument was entirely from a strategic point of view, that it was extremely inexpedient that we should have our line subject to all the eventualities of European or Asiatic complications, and that for the purpose of binding England, Canada and the colonies together more securely than they are bound to gether at the present time as far as telegraphic communication is concerned, it was expedient to construct this line.

Sir, if Mr. Sandford Fleming is right, and messages can be sent along this line at the low rate just now mentioned, then, Sir, surely private enterprise might very fairly, I think, deal with the matter. It appears to me that the better this new scheme is as compared with the line as at present constructed, the less reason is there for State subsidies, and the more reason for hoping that private enterprise may carry this project out.

It is not at all, I say, a question of monopoly—no one, I am sure, wishes to preserve any monopoly. If the Pacific Company without any assistance at all can carry out this scheme, certainly as far as South Australia is concerned, we could and we should offer no possible objection. We could not offer any objection, and we should not if we could. But I say, be that as it may, when the proposal is that the combined enterprise of South Australia and the Eastern Extension Company having constructed this line entirely at their own risk and expense, a new company should be subsidized by the Imperial Government with the certain result of materially lessening not merely the advantages—because advantages we get none—but increasing the losses which South Australia at present sustains in consequence of its enterprise, then I think there ought to be some much stronger arguments put forward than have been brought before the Conference up to the present. If it is considered desirable to go into the more elaborate questions of the feasibility of the scheme, its probable cost, and as to the dividends which would probably be the result of this scheme if it should be constructed, those I will go into afterwards when it may be thought necessary; but the matter has been brought before the Conference in a very general

way by Mr. Fleming, and in a general way I deal with it. I sympathise very much with the sentiment of what he says, and if it could be carried out in the same way as the South Australian Government and the Eastern Extension Company carried out theirs, then the result would be a welcome one to both the mother country and the colonies. (Hear, hear.)

The PRESIDENT. Mr. Pender is here and has shortly to leave. I do not know whether the delegates would desire to make any change in the order of affairs which they have generally adhered to—that is to say, to have the matter discussed first and then afterwards consult with any gentleman so interested; we could, if it were thought necessary, find another day to summon Mr. Pender. I think that is the wish of the delegates. (Hear, hear.) Is there any objection to let Mr. Pender have a copy of Mr. Sandford Fleming's paper? I do not know myself that there is any objection as far as I am myself concerned. (Hear, hear.)

Sir SAMUEL GRIFFITH. I should like to say a few words with regard to the existing cable. As Sir John Downer very properly said, and as has been pointed out by Mr. Raikes, this is not altogether a question of competing cables, but of asking the Imperial Government and the Governments of the colonies to subsidize a new cable to compete with the old one. That is true from one point of view; but if the Empire at large insists upon the establishment of a second line of cable, and that is the only way to get it, the interests of the existing company must give way. But in Queensland we have never been able to see that the existing company requires so very much consideration. They undertook to construct the existing line to Australia as a purely commercial speculation, and they arranged with the Government of Queensland that if the Government of Queensland would lay the land line to the Gulf of Carpentaria they would meet them there. That arrangement having been made, the Government of Queensland laid the line to the Gulf of Carpentaria, and it has been in operation, but the Eastern Extension Company, instead of bringing their line to meet it, brought their line to Port Darwin. We do not complain of that—it may have been the proper thing to do—but we in Queensland may be said to have looked upon South Australia constructing its line across the Continent with admiration somewhat in a different sense from that in which Sir John Downer used the phrase. However, we do not trouble ourselves about it; we have our own line, and we maintain it, but we have always maintained this position: That we would never do anything that would prevent or tend to hinder the establishment of a duplicate line.

I take this opportunity of correcting a statement made in the paper by Mr. Cracknell which has been laid before the Conference. On page 14 he mentions that "Queensland has been offered a duplicate cable from Normanton to the Roper, free of expense and without extra tariff, and South Australia, I have been informed, is willing to construct a land line to connect the Roper River and Port Darwin, so that a complete duplication of the international system would be ensured; but for some unexplained reason the Government of the former colony has refused this gift, which would cost the company £70,000, although their cablegrams would come to them direct, instead of going around by Adelaide and Sydney, which must cause them very great inconvenience and delay, and debar the southern colonies the advantage they would otherwise gain by having an alternative route in the event of interruptions on the overland line to Port Darwin. I am sure that this matter could not have been seriously considered by the Queensland Government, or they would have allowed the end of a cable to be landed on their shores in the Gulf of Carpentaria for the benefit of their own commerce and that of their neighbors." Upon that I may say that the free gift of a cable at a cost of £70,000 was offered upon the condition that the Queensland Government should join in the subsidy to the Eastern Extension Telegraph Company for a long term of years, and so practically preclude itself from assisting in the establishment of a duplicate line of cable. The Queensland Government takes up this position: that the Australian Colonies cannot safely depend upon a single line of cable, and that a duplicate line of cable is necessary. There have been two or three Conferences upon the subject. I recollect

having been at one in 1877, when it was affirmed unanimously that there should be a distinct and independent line. The Eastern Extension Telegraph Company maintain that they had given us a duplicate line by laying a second cable from Java to Port Darwin; but as the strength of any line is its weakest point, we maintain that these cables, all of which run from England through foreign territories or through seas continually full of the ships of foreign countries, form by no means a duplicate line of cable, which we have always maintained should be established. During the war scare about two years ago there was the greatest anxiety in Australia—we knew where the Russian ships of war were supposed to be—we knew that the Admiral upon the station was doing all he could to protect the weakest places in Australian waters—we knew perfectly well that at any moment the cable might be cut and that we should have no means of communication and that we might have hostile cruisers at our doors. I know the risk was thought to be so great that in some of the colonies it had been resolved that the moment the cable communication was interrupted it should be assumed that war had broken out.

Now I submit that these matters ought to be regarded entirely irrespective of the interests of the Eastern Extension Telegraph Company. They are a very good company, and they have done very good work, but we are now considering the matter from a national and Imperial point of view, and all we can do now is to consider whether it would be desirable to have such a duplicate line of cable between all the British possessions as would be secured if Mr. Sandford Fleming's proposition were carried out. If it could be carried out, it would be desirable there is no doubt, but whether it is practicable at the present time is a matter upon which some light may be thrown. If there are any persons willing to carry it out what assistance are they likely to get? For my own part, I have no hesitation in expressing my warmest sympathy in the movement. If it be necessary to do anything also for the assistance of the Eastern Extension Telegraph Company, be it so. I think it has first to be considered whether this proposal is so important as to justify united action on the part of the Empire.

I may be permitted to remark that although our methods are possibly better than those of other countries, yet I conceive that if the proposal were made to some other countries, to Germany for example, to connect the different parts of the Empire, the proposition would probably not be very long under consideration, it would commend itself, I think, to the Imperial policy of that great nation in a manner in which I hope before many years, it will commend itself to the great British nation. (Hear, hear.)

**THE PRESIDENT.** Before we say anything with regard to what has fallen from Sir Samuel Griffith, I should like to say that I have received this letter of the 20th of April from the Pacific Telegraph Company, Limited. The letter is as follows:—

"SIR,—We are deputed by the Pacific Telegraph Company, Limited, to furnish to you for the information of the Conference a proposal which it is intended to submit on behalf of the company to the Imperial Government, and to the Governments of Canada, Victoria, New South Wales, Queensland, Australia, Western Australia, New Zealand, and Tasmania.

"We are also deputed to attend the sittings of the Conference in person, if desired, in order to give any further information that may be wished for.

#### " PROPOSAL.

"The company to lay and maintain a cable from Vancouver Island to Australia, touching at the Sandwich Islands, Fanning Island, Samoa, Fiji, and New Zealand.

"The company to reduce the existing through rates from Great Britain to Australasia by at least one-half.

"The Imperial Government and the Colonial Governments above referred to to furnish to the company, in such proportions as they may agree upon, a subsidy of £100,000 (one hundred thousand pounds) per annum for 25 years; each Government to have during that period, the free use of the company's cable for Government messages to the full amount of its proportion of the subsidy at current rates.

"The company, to give Government messages precedence over ordinary messages.

"We have the honor to be, Sir, your obedient servants,

"MURRAY FINCH-HATTON.

"RANDOLPH C. WANT."

MR. HOFMEYER. I believe the Conference is bound to look upon this question not so much from a commercial as from a defensive point of view, and to do that we will have to take even a more comprehensive view than has been taken by Sir Samuel Griffith just now. I believe that the scheme proposed by Mr. Sandford Fleming is worthy of all consideration. We must look to some extent upon telegraphic communication for the safety of the Empire in time of war, no matter whether the cable would pay as a commercial undertaking or would not pay as such. If we do that we must not only look to the proposed Pacific cable for communication with Australia, but also to, I should not say an alternative, but a duplicate scheme of submarine communication. When I say this, I look particularly to my part of the Empire, that is to say, South Africa. Let us view the position of affairs at present as far as South Africa is concerned. It is pretty generally agreed that if war should break out the Suez Canal would be blocked. At the dinner given to the Conference by the Federation League it was stated by Lord Charles Baresford that in future not Constantinople, but Table Bay, would be the most important port to the Empire. I believe that statement would hardly be challenged by anyone, and if it is not challenged, then I think we have to examine what communication Table Bay has with the rest of the world. Table Bay is dependent for its telegraphic communication upon the Eastern Company's line, which comes down by the East Coast of Africa. It is laid in shallow water, and touches at many points of foreign territory, I cannot say how many, but very many points indeed. Now if in time of war the Suez Canal is blocked it stands to reason that all communication by this cable would be blocked too. It might be cut at various points. England might be at war with any European nation whose territory is touched by this cable; in other words, there would be no communication between England, the most important part of the British Empire, and the rest of the world; telegraphic communication would cease at once. I believe that would be a great calamity. All the trade from India, from China, and to a great extent, I believe, from Australia and from the Mauritius, the commercial business, in fact, of almost the whole of the eastern world, would have to pass by the Cape. Table Bay and our quarter of Africa would have to be called at by vessels in war time to get information as to what had occurred in Europe, but no such information could ever be obtained at the Cape—none whatever. The value of the Cape as an intelligence station would become very small indeed so long as we were dependent only upon this shallow water cable.

Then again, there are other smaller colonies also which are most important as intelligence stations, as, for example, St. Helena and Ascension. The value of Ascension and St. Helena depends upon their possessing the means of affording intelligence in time of war; but in time of war ships going to or returning from the east could learn nothing at St. Helena or Ascension, because there is no cable communication with either. There is no cable communication with the Mauritius either at the present time. The whole situation from a military and naval point of view seems to be most lamentable.

Now the remedy that would have to be proposed seems to me to be perfectly plain. Another cable would have to be laid, and that would have to be a deep sea cable. It should not be a shallow water one, as the cable laid upon the west coast of Africa as far as St. Paul de Loanda. I presume it would start from Gibraltar, touching as far as possible at the British colonies upon the West Coast, though not at so many as to become a shallow water cable, but certainly touching at Ascension and St. Helena and thence continuing to Table Bay. Thence we have a land telegraph to Durban, and then it would be a question whether it should not be continued to the Mauritius and thence to the coast of Western Australia, so as to render the

circle complete. I do not bring this forward as an alternative scheme, but as a duplicate one. I believe that by a rich empire like the British, an empire which would lose or gain so much in time of war, the question of whether a scheme of this kind is going to cost £200,000, or even £2,000,000 more or less, should not be taken into consideration. I think that to make the defence of the empire complete, we should in reality have a cable both across the Pacific Ocean, and another such as I have sketched, running through the Atlantic to the Cape, touching at St. Helena and at Ascension Island, going to Table Bay, and then from Durban to the Mauritius, and so to West Australia. Whether it is feasible or not it is not for me to say. It must be a deep sea line, and a deep sea line, although difficult to repair, is almost impossible to be cut by an enemy's cruiser. It could only be cut by a cruiser which had been specially equipped for the purpose, and such a cruiser could always be traced more or less if your Intelligence Department were anything like what it ought to be. I believe that from a military point of view the case of a deep sea cable as opposed to a shallow water cable, is altogether irrefutable. I make these remarks before the Conference because we have had a great deal of discussion on telegraphic communication from a merely commercial standpoint.

Sir ARTHUR BLYTH. Of course Mr. Hofmeyr would look for a very large Imperial contribution.

The PRESIDENT. A very large one, I am afraid.

Mr. HOFMEYR. It is an Imperial defence scheme, and even if you should not proceed to Table Bay but stop at St. Helena, I believe it would be a most important line, and that it should be carried out before the next war breaks out. Now Mr. Pender says these strategical lines should not be carried out before the next war breaks out. Well we have had cases of that kind. When the Zulu war broke out and the calamity at Isandula occurred, for weeks, indeed months, the safety of the Colony of Natal was in danger, but there was no communication; and Mr. Pender's plan of laying a strategical cable only after war breaks out was hit upon, but then the cable was incomplete even after the war was over and done. Up to the Zulu war Africa had no telegraphic communication with Europe whatever, only after the war had ended was there a cable laid to the Cape.

The PRESIDENT. I am sorry to interrupt, but as I have read a letter from the Pacific line it is only fair I should read a letter I have just received from the Eastern Extension, Australasia, and China Telegraph Company, Limited, and with that letter there are several other papers which I will have printed and circulated. I think probably the delegates, as it is a very important question, would all wish to have another meeting upon this question early next week, and by that time I will have the papers printed and circulated. The letter I have now received is from Mr. Pender, and it is as follows:—"Winchester House, 50, Old Broad Street, London, E.C., 18th April, 1887. Dear Sir Henry Holland,—I have the pleasure to send you the following papers: 1. A proposal to the Australasian Governments for a reduction of tariff under their guarantee. 2. Tables showing apportionment of the guarantee at a 4s. and 2s. 6d. tariff. The latter rate, however, would be entirely dependent on the assent of the Governments of India, Germany, and Russia, whose representatives are at present opposed to it, as they do not see their way to reduce the existing tariff of 4s. per word to India, and consider it would be most difficult to maintain such a tariff if the rate to Australia were reduced to 2s. 6d. Probably, however, a 4s. tariff will be a sufficient reduction for the moment, and if the change entailed no serious loss to the Governments the 2s. 6d. tariff might be considered later. 3. A memorandum relative to the proposed Pacific cable which accompanied the proposal to the colonies. 4. A memorandum in reply to Mr. Heaton's paper in the *Pall Mall Gazette*. The absurdity of his statement that a 1s. tariff between London and Australia would pay well is shown by the fact that outpayments which amount to 1s. per word would have to be made even at the low rate now prevailing across the Atlantic; but which rate, in all probability, before long, will be increased to 1s. 6d., in which case the outpayments alone would amount to 2s. per word. Further comment is unnecessary. If reference is in any way made

to the existing companies as a monopoly, my answer is that it has been so created by the great energy and enterprise with which the companies have carried on their extensions. It is true that the system has now become so widespread that no unaided combination could successfully compete with it, and we cannot for a moment imagine that Governments would subsidize an opposition scheme where the work is so thoroughly well done as it is by the existing companies. We have invariably followed the British flag and trade, and figures can be produced in proof of the enormous impetus the submarine telegraphs have given to the development of commerce between this country and the colonies. I would also draw your attention to the fact that while it has been made a monopoly through the circumstances I have stated, we have never used it as such, or in any sense in a narrow spirit. In war times we have generally carried telegrams for the wounded free of charge, and we also made the same concession during the Irish famine; and while the colonial exhibitions were going on the value of the telegrams carried free between the executives and the colonial Governments amounted to between £16,000 and £17,000. In addition to these, I could give you many other instances where we have acted in an equally liberal manner, and I hope when the question is discussed at the Conference that the above circumstances will be remembered. Our system is now very much in touch with Her Majesty's Government, and we have letters from the Foreign Office to the effect that whenever discussions take place in regard to submarine telegraphs we shall have full information on the subject, and representation during such discussion. I therefore hope that the Colonial Office, looking to the vast interests involved in the submarine telegraph system, will grant to the companies similar recognition on the present occasion. Faithfully yours, JOHN PENDER." I thought it best to read that letter as I have read the other letters, and the papers that came with it will be circulated and printed.

Sir WILLIAM FITZHERBERT. I understand it is suggested there should be an adjourned meeting upon this question, and it is proposed in the interval to have the papers printed and laid before the members of the Conference. I understand that this letter was presented yesterday.

The PRESIDENT. Yes, but I have not given orders yet for it to be printed, because it would have been useless to have had it printed for to-day—in fact, we could not have had it printed and distributed; but if there is to be another meeting, and if it is the wish of the delegates, we will have that paper printed and circulated with the other.

Sir WILLIAM FITZHERBERT. I should be glad if it were printed, and I should also be glad to say a few words upon this subject, than which I think none can be more important for our consideration. I think it is quite the accepted opinion amongst the Australian Colonies that a duplicate cable will have to be resorted to at an early period. I think there is quite, as Sir Samuel Griffith said, a consensus of opinion upon that subject. It appears to me that the proposals made and explained to us by Mr. Sandford Fleming are worthy of the very greatest attention. The purpose of this paper, I may say, is to meet a difficulty which has already presented itself in this discussion evidently to members of the Conference. For instance, as Mr. Raikes plainly explained to us, it would be a position that the Imperial Government could scarcely accept, of subsidizing a new line in competition with an existing line. This proposal (it is not a proposal of mine, but I was the bearer of it) is one which would obviate such a difficulty. It is one that I think I understood Sir John Downer by his remarks to indicate that he would be in favor of, namely, that the time would come when the Governments would have to undertake by a common action the enterprise of telegraphic communication. This paper enters upon that question, how far it enters into it in a manner in detail that would be satisfactory is another question, but at any rate the consideration itself is one well worthy of attention, it would solve many difficulties, and in doing that the question would not arise of subsidizing any competing line in competition with any existing line which has done good service to the colonies and to the empire at large.



The proposal would be to buy up that line as well for the safety of the empire and for general uninterrupted communication where it was desirable that there should be duplicate lines. But taking these points into consideration, I believe I am not misinformed when I say that now, upon the question of the life of cables, a totally different view is taken, from the scientific knowledge which late years have enabled us to throw upon the subject, that the average duration of the life of cables is much larger than it used to be considered; and in the next place that the cost of laying is very much smaller, although I am not prepared to say how much, because I might understate—but that it is very much smaller; and thirdly, that the time necessarily occupied in laying a cable is also very much reduced.

Now I think these are all three very important considerations, and I think the great proposal of the united effort of all the Governments to maintain, for the sake of the inhabitants of all those colonies and their connection with the mother country, the principle that such lines of communication should be in the hands of the Government, is one well worthy of the gravest consideration; and I say also it is on all fours with what has been done by the Imperial Government. They have seen the necessity—it has been urged upon them, and they have put it into practice—of buying up the telegraph lines; and I say that that meets the objection which we have heard very properly urged. The Eastern Extension Telegraph Company's directors have behaved with the greatest liberality, and the public, I believe, have benefitted in the past; and supposing such a proposal as this should eventuate, their claim should be considered in a fair spirit regarding any compensation. (Hear, hear.) I believe that therein lies the solution of the whole question upon broad and Imperial grounds.

Mr. DEAKIN. I do not know whether it is necessary at this stage, as we are to have further papers before us, to do more than make a very brief reference to the matter. I do not know whether without further consideration the Colony of Victoria would be prepared to take the long leap which Sir William Fitzherbert has proposed to us, though I do think that the proposition of the Eastern Extension Telegraph Company is deserving of the consideration of the colonies. But if there is one motive more than another that would weigh with the representatives at this Conference, it would be the idea of the Colonies acting as far as possible for their mutual benefit as integral parts of the Empire. (Hear, hear.) There can be no doubt that the splendid enterprise which the Canadian Government have displayed deserves the fullest recognition at the hands of the Governments of the other colonies and of the Imperial Government itself. In its own way Mr. Hofmeyr's proposal has very much to recommend it, so far as it relates to communication with Africa and Table Bay, but I doubt very much whether any connection with Australia from that quarter could be looked for for a very long period; the Canadian proposal does seem very much nearer. Of course the colonies will first look upon the matter from a commercial point of view. Whether the Pacific Company succeeds in entering upon actual operations or not it has already conferred a considerable benefit upon the Australian Colonies by bringing the Eastern Extension Telegraph Company into a much more liberal frame of mind than the liberal mind they have hitherto possessed. Then there is no question, looking upon it from a mercantile point of view, that the existence of two cables instead of one would be a very great advantage indeed to every person in Victoria who sends or receives messages. It would be an enormous commercial advantage if a second telegraphic cable were constructed. Again the Imperial question presents itself, but it has been so ably argued by Mr. Sandford Fleming that it is not necessary to refer to it now. He has made out an extremely good case for asking the Imperial Government to give special consideration to the arguments he has urged. I do not think that the Eastern Extension Telegraph Company can have any possible reason for objecting to the request of the Pacific Telegraph Company for a subsidy. The Eastern Extension Telegraph Company already receives a subsidy for its second cable to the Australian Colonies, for which we pay £30,000 a year. If, therefore, as it is really an Imperial matter, the Imperial Government or the Australian Colonies choose to pay a subsidy for a third cable by

another route, that is only carrying out the same principle as that upon which the Eastern Extension Telegraph Company has been already subsidized.

But, on the other hand, there is another important point raised by Sir John Downer, and that is that when we have been recognizing the enterprise of Canada we cannot possibly forget the enterprise of South Australia. Those are two main points for our consideration—how to combine the recognition of the Canadian and South Australian enterprise and the fullest conservation of Imperial interests with cheap and secure cable communication. It certainly would be an enormous advantage to the colonies to get this Pacific cable laid—it would be an enormous advantage commercially, and it would be an enormous advantage imperially. The Canadian Government deserves that recognition, while such a recognition clearly requires that the enterprise of South Australia should be also taken into consideration.

Sir SAUL SAMUEL. If a second cable can be carried out such as has been proposed through Canada it would be a very desirable thing in the interests of the Empire; there can be no doubt about that. But at the same time it is only right to point out what the present company has done. We are paying them, it is true, a subsidy of £32,400 a year for the second cable. To that neither the Colony of Queensland nor that of New Zealand contribute; it is borne entirely by New South Wales, Victoria, South Australia, and Western Australia. The cable was first laid by a company known as the British Australasian Cable Company, which has since merged into the Eastern Extension Company. That cable was laid without any subsidy. No subsidy, indeed, was asked for, and it is to the enterprise of the present Telegraph Company that for many years we have been indebted for cable communication to Australasia. That is a fact which I think ought not to be lost sight of in considering this question. The second cable was laid at the request of the four Australasian Governments; New Zealand was then one of the parties to the arrangement. The company agreed to lay a second cable for the reason that marine insects were constantly making such inroads and injuring the original cable that communication was frequently interrupted. It was the colonies who moved the Eastern Extension Company to lay a second cable, and they agreed to do so on the condition that they received a subsidy, the amount of which at the time was not considered unreasonable.

Now we have also to consider this. We were informed of the fact from the letter which has just been read to us by Sir Henry Holland written by Mr. Pender, that so far as the reduction in the charge goes a subsidy of £100,000 to the present company would, of course, bring about a great reduction in the charge, and would produce one even lower than that mentioned by the Pacific telegraph line. You would by paying the present company about £100,000 subsidy bring the charge down to something like 4s. per word.

The EARL OF ONSLOW. By making up the £119,000 you would bring down the charge to 4s.

Sir SAUL SAMUEL. I did not catch the figures aright in the first instance. At all events the giving of such a subsidy as is proposed would settle the question of the rate; that is to say, a subsidy of £100,000 paid to each company would secure a reduction in the charge per word. There is no doubt that the lines would be competing.

I am not going into the question of whether the proposal which Mr. Sandford Fleming has put before us is likely to be profitable or not if it were carried out; but I am quite certain of this, that you would have great difficulty in getting the Colonial Governments to grant a subsidy, such as is proposed, to any new company. It is only very recently that the Eastern Extension Company asked the Colonial Governments to extend the time for which their subsidy is payable for another six and a-half years upon certain conditions, but the offer was declined. I mention this as bearing very much upon the point now under discussion, and showing the feeling with regard to subsidies; and as the reason why I think we should have great difficulty in getting the colonies to grant a subsidy to any company. But if they did, it would doubtless be in the direction of the suggestion made by Sir William Fitzherbert,

of undertaking the laying of the cable for themselves, and making it entirely a Government matter. That may come about some day, but I presume there would be a difficulty in getting the colonies to make a fresh grant of a subsidy of £100,000, unless the Imperial Government were ready to pay half of it. If the Imperial Government, who have a large interest in the matter, would agree to contribute a quota, then possibly the Colonial Governments might see their way to contribute also; but when the Imperial Government hold back and do not feel inclined to help by a contribution, because it would be assisting the new company against the one already in existence, and with which it would be in competition, I think the Governments of the Australian Colonies would in all probability take up the same position.

**Mr. DEAKIN.** Might I ask one question with regard to what Sir Saul Samuel has said as to the effect of paying the £100,000 to the present Company? A paper which has been supplied to me bears out his statement, as I understand it.

**The EARL OF ONSLOW.** From the paper which I have before me it appears that the amount to be made up, if no increase in traffic took place, would be £119,000; but Mr. Pender assumes that there would be an immediate increase of traffic, and imagining the increase to be about 25 per cent., this paper shows that upon an increase of 25 per cent. the amount would be £103,000; and supposing that the traffic increased by 50 per cent. the amount would be £37,000; if it increased 75 per cent. the amount would be £71,000; and if it increased 100 per cent. the amount would be £55,000.

**Mr. DEAKIN.** It was anticipated by the [company] that there might be such an increase in a very short time. We have the same figures.

**Sir SAUL SAMUEL.** The figures which we have vary very slightly.

**Mr. DEAKIN.** As I understand, the company said that the probability was that in a very short time there would be an increase of business of 100 per cent., and that consequently the colonies' share of the subsidy of £55,000 would clear off the loss and obtain a further reduction.

**Sir ARTHUR BLYTH.** Mr. Finch-Hatton's letter mentions the price.

**The EARL OF ONSLOW.** To at least half the present price.

**Mr. ROBINSON.** I should like to address to the Conference a few observations upon the question which Sir William Fitzherbert has raised, and which I venture to think is even better besitting the consideration of an Imperial Conference than the rival schemes of competing companies.

It seems to me that we are all pretty generally agreed upon two points. The one is that the colonies generally are paying most exorbitant, most oppressive, and most unnecessarily high rates for their cable messages. The second point upon which I think we are agreed is that it is most desirable from any point of view that the colonies and the empire should not be dependent for their telegraphic communication upon lines which pass through foreign countries which possibly may become hostile. Those two considerations, in which I think we are agreed, point to only one conclusion, and that is that we should put ourselves in such a position as not only to secure lower rates for ourselves, but also a more complete immunity from risks of interruption than we possess at present in time of war. If we come to that conclusion, I would ask, does that not point to a particular policy, and that policy is, if I may venture to say so, the purchase by the Imperial Government of the submarine cables that connect the Empire together?

That, no doubt, seems upon the face of it a very large scheme, but when you come to look at it, I do not think really it is any larger than the other schemes which have been grappled with successfully by the Imperial Government. We have been told that all the cables of the world represent a cost of £17,000,000, which at 3 per cent. would work out at a charge of £1,110,000 per annum. The eagerness with which we find joint stock companies coming forward to lay down these cables may be taken as evidence that this form of enterprise pays, and if it pays joint stock companies it certainly must pay the British Government, and I have no doubt that if the figures were gone into it would be found that the Imperial Gov-

ernment would not only work these cables upon a more economic and effective system than they can be worked by a series of disjointed companies, but they would also work them in such a manner as would enable the colonies to maintain telegraphic communication between all parts of the Empire upon terms far more advantageous than those existing at present.

I should like to ask whether there is any possibility of such a proposal being entertained by the Imperial Government during the duration of this Conference?

The PRESIDENT. To that question I can unhesitatingly say no. I think it would be quite impossible for the Imperial Government to frame such a scheme at present without having further information. In the first place I should probably not be saying too much if I say that it is not at all likely that the Imperial Government would even consider such a scheme; but it is certainly absolutely impossible to consider it during the time that this Conference is sitting.

Mr. ROBINSON. I did not mean that they should consider any concrete scheme, but I wished to ask whether there was any possibility that any suggestion of such a scheme might lead up to such enquiries as possibly would at a future time, and perhaps no very distant future time, result in a fuller and more practical consideration of the question than has been given to it up to the present time.

The PRESIDENT. I can unhesitatingly say that if all the colonial delegates at this Conference were of opinion that it would be very desirable that the Imperial Government should buy up and manage the whole of the telegraphic system of the world, I would bring such a proposal before Her Majesty's Government; but I frankly say that I do not think there would be any chance of their entertaining such a suggestion.

Mr. ROBINSON. I am only speaking of the telegraphic lines which connect the mother country and the colonies.

The PRESIDENT. Practically it comes to all the telegraph companies in the world. For my own part I wish that such a scheme could be carried out, but I do not think practically there is any chance of its being done. But of course it would be my duty and pleasure to present to Her Majesty's Government any resolution of this Conference which bears upon the action of the Imperial Government, and I will undertake that such resolution shall receive careful consideration.

Mr. SANDFORD FLEMING. I think we are hardly in a position fully to discuss this matter until we have before us these various printed papers which have been referred to to-day.

The PRESIDENT. I hope the delegates will understand that it was not in my power to supply copies of these papers to-day, inasmuch as I have only received some of them since the Conference met this morning.

Sir PATRICK JENNINGS. I would ask to be allowed to address only a very few words in addition to what Sir Saul Samuel, with his very intimate knowledge of the preceding state of things in the colony, has said. What we wish to say on behalf of the colony of New South Wales is this: We fully sympathize with the views put forward by Mr. Fleming, and we recognize the desire to bring through British territory a further independent means of communication, in addition to the cables already made, by a route which can be practicable and highly desirable to Australasia and to the Empire. That is an abstract question as to which we should certainly highly sympathize with and approve of the views expressed by Mr. Sandford Fleming. With regard to the precise form in which it has come before us, it would be very difficult without more minute knowledge to express any opinion whatever upon it; but with regard to the abstract question I feel it to be my duty to say on my own part, and on behalf of my colleagues, that we have every sympathy with such a proposal, and we think if it could be brought about nothing could possibly form a stronger tie to bind the Empire together than by bringing the colonies into a telegraphic communication with the mother country, which would be practically independent, and safe from all risks of interference in time of war.

Mr. SEAVICK. I desire to say that I concur generally in the remarks which have been made by Sir Patrick Jennings so far as Victoria is concerned. We are

very heartily in favor of another line of telegraphic communication being made. Whether this particular line which has been referred to from Vancouver is the right one or not is another question. We do not see our way at present to join in a new subsidy to this new line, and whilst we recognize all the commercial advantages that will flow from its construction I think that the time has come when the matter ought really to be considered as part of the question of the defence of the Empire, and so far I agree with the remarks which fell from Mr. Robinson. As I understood your answer, Sir Henry, you seemed to think that it might be outside the range of practical consideration that the Imperial Government should deal generally with the telegraphic lines, as you put it, all over the world; but I think Mr. Robinson put it very well in putting it as the lines connecting the British Empire. If the British Empire extends all over the world, that is not a fault of the argument. Our argument is that the Empire should be thoroughly consolidated. The Imperial Government has taken an important step based upon the principle which Mr. Robinson desires to see recognized, by the action which they have recently taken in not only subsidising steamers which have been constructed, but in arranging with the owners of steamers and the steamship companies, actually to construct their vessels in such a way as would make them suitable for war purposes, if circumstances demanded their employment.

Now I think if there is one thing which the colonies feel uncomfortable about at the present time, it is that the Empire is not in a proper state of defence. The colonies feel that very strongly, and it shows itself whenever there is any fear of an attack being made upon us by any of the continental nations. We constantly feel that we do not occupy such a position as we ought to do in the face of the world. But it is not only in the case of war that this feeling of insecurity affects us, but also in times of peace the consciousness that the Empire is not consolidated for purposes of defence as it ought to be, affects the interests especially no doubt of the colonies, but I venture to say also, to a large extent the interests of the United Kingdom as well. It affects their interests in every direction. There is constantly a consciousness that we have to seek for peace because we are not ready to defend ourselves against unjust aggression; it not only paralyzes the action of the colonial office and the foreign office, but I venture to think that its effects are felt at every court in Europe, and that every one of our ambassadors in discussing any matter affecting Imperial interests feels his hands weakened, and is paralyzed by the consciousness which he has gathered from his instructions which he receives from the authorities at home, that we are not prepared to defend our rights in our own persons. There is a very strong feeling in the colonies that there is on the part of the Imperial Government (I am not speaking of this present Government, but of the Government of the Empire) a tendency to fall back whenever there is any bold front opposed to us by a foreign nation. I think that this question of telegraphic communication ought to be dealt with from that point of view, and that it should be considered in the first place rather as a matter of defence than as a matter of commercial advantage. I think it would be well if this idea were considered by the Imperial Government, although it seemed to me, Sir, as it seemed to strike you at the time, at first sight, rather a startling proposition to make, that the Imperial Government should buy up all the telegraph cables. I confess I do not see myself that it would be possible at the present time to purchase the whole of the telegraphic cables; but there might be some modified method of dealing with them, somewhat in the same way as the steamship companies which have been referred to have been dealt with.

Now, with regard to the position of the two enterprising bodies who have assisted in laying down this Eastern Extension telegraph line, the private telegraph company and the South Australian Government, there is no doubt, I think, for various reasons, that the position of those parties would have at any rate a very fair claim to consideration. I remember some three years ago there was a gentleman from Tasmania, a Mr. Audley Coote, who had taken a great interest in this very line. He came to me at that time with a view of promoting the interests of this Pacific cable, and the first

thing I did in conversation with him was to raise this question about the South Australian Government, and the large expenditure which they had made on their land line. Of course my sympathies did not go entirely with South Australia as I believed she was influenced by feelings which were in existence in all the colonies in these days, when there was a sort of rivalry, and we thought that we were to grow up as separate nations, and I think that South Australia was rather glad to get a little bit of advantage over Queensland in the race, in having the line brought into their territory; I am not inclined to complain if they got some advantage from it; and I was glad to hear the handsome way in which Sir Samuel Griffith referred to the matter this morning. At the time when Mr. Audley Coote introduced this question to me I said: "We will not discuss this matter until you go to Adelaide, and submit to them the proposals in connection with the present land line." I mention this in order to show Sir John Downer, and the people of Adelaide, that the colonies have now developed a very different spirit from that which actuated them at the time when this cable was laid; that there is now a desire to work together, and that we would be disposed fairly to consider the position of South Australia in the event of the second line being made.

Now, with respect to the Eastern Extension Company, there is no doubt at all that they started this line of communication originally, entirely with a view to private interests; they have promoted it and extended it with that object in view. Mr. Pender's minute refers to the fact of their having "invariably followed the British flag and trade" of the Empire, and they did so of course, because that was the direction in which it would pay the company best to extend their lines. There is no doubt that this company is as all these companies are, a purely selfish undertaking promoted for its own objects. But I do not mean to say even in this case that they should not receive fair consideration, because I think it is desirable in the interests of the Governments themselves, and in the interests of the peoples of Great Britain, that we should show a certain regard to such a spirit of enterprise as was manifested by this company, although this company must at the time of its original inception have taken into account the possibilities which are now accruing; that is to say, of competition and the subsequent loss on account of that competition. And in the face of those facts, although the first impulse of the company was no doubt directed entirely by pecuniary considerations, I still think that it is to the advantage of the Empire at large that we should encourage enterprises of this kind; therefore when a case of this sort arises, although the company have no legal claim, and I do not know that they even have any moral claim, yet I think that they have a claim upon the grounds of expediency, and that looking at the matter from our own point of view we should show to them, or rather through them to the world, and to speculators at large, that we are inclined to encourage enterprise of this sort, and that when, if people will take their life into their hands, as they do in a certain sense when they go out on an enterprise of this kind, should circumstances prove exceedingly unfavorable from lapse of time or other causes, the Government will treat them in a fair and liberal spirit. I therefore think that we ought to approach the question in the manner which I have indicated.

Now, with respect to the remarks which were made by Mr. Hofmeyr about the other line, first I wish to say that I concur in everything that he said about the line down the West Coast of Africa, perhaps I should not describe it as going down the coast of Africa—I mean, of course, a deep sea line. It seems to me an absolute necessity to have such a line, but I think carrying that line beyond Table Bay to Mauritius would be a great mistake. In so doing we should have to pass Madagascar, where we might perhaps be laying ourselves open to hostile operations. It is desirable undoubtedly to connect with Mauritius, but I fancy that that connection would be best opened from the west coast of Australia, without communicating between the Mauritius and Africa.

But, Sir, I want very much to press this matter upon you as one worthy of consideration, rather from the point of view of the defence of the Empire, than from the point of view of commerce. The aspiration of the colonies is in this direction

as we feel our growing strength; we feel that the Empire has a great deal to contend with, and we sympathize fully with the Imperial Government in its contention with the great difficulties it has to meet in carrying out the policy of peace which we all feel to be the desirable policy to carry out; but at the same time we do not want to be regarded in all the courts of Europe with a certain amount of contempt, or that when we have just claims for consideration with foreign Governments those claims should be ignored or treated with contumely or indifference. We quite agree that we ought to adopt a peaceful policy, but we feel very strongly that we ought neither to submit to injustice nor feel ashamed to hold up our heads.

The PRESIDENT. With regard to that point I may state that it was rather thought that the question of telegraphic communication from the point of view of the defence of the Empire might be discussed on Thursday when Mr. Stanhope will attend, together with Colonel Brakenbury, who has paid a great deal of attention to the question of telegraphic communication in connection with defence. I have, therefore, rather kept out of that branch of the subject, and regarded this meeting to-day as dealing with the question of telegraphic communication from the commercial point of view; and I understand that was also mainly the point of view of Mr. Fleming when he dealt with the importance of connecting the distant parts of the Empire with the mother country.

Mr. SERVICE. Although that is, in my opinion, a secondary consideration, it is, of course, a most important one.

The PRESIDENT. I merely wish to say that I have not touched upon the question of defence because I thought that we should probably touch upon it more conveniently next Thursday.

Mr. SERVICE. If I might make one remark upon what Mr. Fleming said, I think he overleaped himself a little in his calculations, and narrowed them down too much. The present rate of telegraphic communication between the West Coast of America and England is not likely to be maintained. I think the present charge is entirely to be attributed to the action of the Bennett-Mackay cable which has within the last few months reduced the rates across the Atlantic to 61., but that rate cannot pay them at all. Of course people who can afford it may for a time introduce a low rate to cut the throat of their rivals, but it cannot last. I quite agree with the letter of Mr. Pender, which was also borne out by the remarks of Sir Saul Samuel as regards the Pacific line of telegraph, that we were to regard that proposal as something equivalent to half the present rates.

Mr. SANDFORD FLEMING. I trust I may have an opportunity when this question comes up again of adding something to what I have already said. But I wish now to make one correction with regard to what has been said to-day. A gentleman on your left hand (Mr. Patey) used the expression "Mr. Fleming's Company." I wish it to be understood that I am not promoting any particular company. I am here only representing Canada, and am endeavoring to promote to the best of my ability a work which I believe to be absolutely necessary for the security and prosperity of the British Empire. With regard to the company which has been referred to, I was opposed to being connected with it; I allowed my name to be used along with that of two other Canadian gentlemen as signatories simply, because we were strongly prevailed upon to do so, but I have now nothing to do with the company, and am not advocating that company here at all to-day.

Sir F. DILLON BELL. There is one point upon which I think it is desirable that we should clearly understand the views of Her Majesty's Government before we resume the consideration of this matter. What I am going to say arises out of remarks which fell from Mr. Raikes. I think we all understood Mr. Raikes to say that while he looked with sympathy upon the proposal of a duplicate line through Canadian territory which had been brought forward by Mr. Fleming, Her Majesty's Government would not under any circumstances now assist in entering into competition against the present Eastern Extension Company by the formation of such a line.

Sir ALEXANDER CAMPBELL. I think Mr. Raikes reserved that point for consideration. He was very guarded in what he said upon that point.

Sir F. DILLON BELL. Yes; but it immediately elicited the question which was asked by Mr. Deakin, whether Mr. Raikes was speaking personally or in his official capacity as Postmaster General. It is most essential that we should clearly understand what the view of Her Majesty's Government is upon that point, because several of us have been on previous occasions in communication with the Canadian Government upon this question of a Canadian cable. Several meetings have been held with regard to the scheme, and Sir Arthur Blyth and Sir Saul Samuel will remember one where the High Commissioner of Canada called us together for the purpose of seeing whether there was any prospect of the Australasian Colonies entering into it with the Canadian Government. What we all on behalf of the Australasian Governments then said to the Canadian Government was this: That the first point to be decided before any step at all of the kind could be thought of, was whether Her Majesty's Government would enter into the scheme for the cable to be laid, not by a private company, but as a matter of Imperial defence; and I perfectly remember the remark being made (I cannot be sure which of the agents general made it, but I think it was Sir Arthur Blyth) that in the event of a war breaking out and the eastern cable being cut, if any disaster happened, we should have precisely the same state of things as occurred in the case of the Cape, and we thought the Imperial and the Australasian Governments would then undoubtedly lay a second cable to prevent the recurrence of such a disaster. What we wanted to know then was what the view of the Imperial Government would be upon that point; and what I venture to ask the president to consider before we meet again is this: Quite apart from the question of subsidizing any private company, would the Imperial Government be inclined to join the Australasian Governments in creating a cable communication through Canada to Australasia?

The PRESIDENT. Just let me be sure that I quite understand you. Do I rightly understand you to ask whether Her Majesty's Government would consent to join with the Australasian Colonies to lay and maintain a line from Vancouver Island to Australia, there being no company in the case, but the Governments supporting it?

Sir F. DILLON BELL. Yes; and I asked the question for the reason that was clearly pointed out at the meetings to which I have referred. We said then: So far as we can form an opinion, we will have nothing whatever to do with any scheme for forming or subsidizing any private company at all. If a second line has to be constructed to connect England with Australia by way of Canada, it ought to be entirely a Government line; and we put the question to the promoters with whom we were placed in communication by the High Commissioner at that time, but have never received any answer. We then said: Why should we give a private company a subsidy of £100,000 a year to lay down a line, when, if the line is a necessity for us, and if, as is alleged, such a line would pay, we can raise the money ourselves, and make it as a Government line much cheaper than the cost which you are now speaking of? We should then possess what you offer us as a great favor, namely, the right of secret communication over a Government cable, and at the same time we should be the recipients of whatever commercial receipts the construction of a second cable would produce. Therefore, Sir, I venture respectfully to ask that when we meet again we should know what the views of Her Majesty's Government would be upon that point. I think we should be all agreed in saying that while on the one hand, if Her Majesty's Government would enter into it, the scheme would receive a large amount of favorable consideration in Australasia; on the other hand, it is quite certain that the Australasian Colonies would not enter into it if Her Majesty's Government was not also a party to it. We should certainly not entertain the scheme of constructing a second cable at our own cost, nor unless the Imperial Government was prepared to bear its full share.

The PRESIDENT. Do I understand you to say that if the Imperial Government does not fall in with what is suggested and join with the Australasian Governments and Canadian Government to lay down and maintain a line between Vancouver and



Australia, it may be taken that the Colonial Governments will not in any way in their own interests subsidize this company which has been proposed?

Sir F. DILLON BELL. That is the statement I make.

The PRESIDENT. I may be quite wrong, but that is not at all the inference which I have drawn from what has been said. As I understand, it has been regarded as an absolutely open question, and some gentlemen have argued upon the assumption that it would be to the interest of the colonies which they represent to maintain this line, due care being taken to guard the interest of the line already working there.

Mr. SERVICE. The question suggests itself—why should it be to our interests to have such a line, and not to the interests of the British merchants and of the public here also?

The PRESIDENT. It is quite possible that it may be to the interests of the Colonial Governments to give a subsidy, although it is not to the interest of the Imperial Government to do so.

Mr. SERVICE. But I venture to say in the first place it would be no use to think of it without a contribution from the Imperial Government, because (and I can certainly corroborate thoroughly what Sir Dillon Bell has said so far as this point is concerned) the colonies would never think of contributing the whole of the £100,000. There is not the slightest probability of the scheme being carried out unless the Imperial Government would contribute their quota.

The PRESIDENT. There are two distinct points. There is, first, the question of the Imperial Government subsidizing a company. Taking what Mr. Raikes said, speaking from the post office point of view, I gather that that suggestion would not be received with very great favor, because it would be considered that the Imperial Government was subsidizing a company which would be a rival to an existing telegraph company. But now another question has been raised, which is whether the Imperial Government would be prepared to join with the Colonial Government in laying down and maintaining a telegraph line between Vancouver and Australia.

Sir ARTHUR BLYTH. Making it their own in act.

The PRESIDENT. Not for reasons of commercial advantage but on grounds of defence.

Sir PATRICK JENNINGS. I think Sir Dillon Bell has clearly stated that the colonies would not give any subsidy towards this company unless the Imperial Government also contributed their share.

The PRESIDENT. I am quite prepared to accept that as the opinion of the delegates; I only wish to say I had not gathered it from what had passed before, nor do I see why the Australasian Governments should finally pledge themselves to the Imperial Government at a meeting of this kind, before the question has been fully considered.

Sir F. DILLON BELL. The point which I respectfully asked should be considered was simply the financial point which was referred to by Mr. Service. It would be quite hopeless to suppose that a second line could be laid down from Vancouver to Australia at any cost which would require much less than £100,000 a year, whether in the way of subsidy or in the way of interest upon the money raised by the Governments; and I venture to press this point that in case the scheme comes before us when we meet again in the form of a proposal that Australasia should find the £100,000 for the proposed line, whether in the shape of subsidy or as interest, or as a guarantee without the Imperial Government taking its part, we should certainly not think of adopting it.

Mr. SERVICE. There is another point to which I would direct attention. The Imperial Government have naturally a reluctance to extend the field of their operations in directions of that sort, but it might be quite possible that if the principle were agreed upon that the Imperial Government would contribute towards it as being a matter of Imperial defence, the labor of constructing the line might be placed upon the shoulders of the colonies, and the working of it might be thrown upon them as it is proposed to throw the government of New Guinea upon the Queensland Colony so as to relieve the Imperial Government from the labor of the work.

**THE PRESIDENT.** I do not think that that would be the point upon which the difficulty would arise. The point which Sir Francis Bell has raised is one of principle, namely, whether the Imperial Government would be prepared to join (subject of course to the detail such as you mentioned being accepted) with the Australasian Governments in laying down and maintaining the cable from Vancouver to Australia. Whether we should lay it with our vessels or whether you would, and what the proportion of payment should be, are matters as to which it would be impossible to come to a conclusion without having many more details before us than we have at present.

**SIR ARTHUR BLYTH.** You must see that if you begin granting subsidies you would hardly know what to do; there will be Mr. Hofmeyr with his Cape scheme, and various others.

**MR. HOFMEYR.** That may be a separate thing, but it will have to be done.

**MR. DEAKIN.** Before we separate, all the representatives of the colonies, I think, will unanimously agree in formally asking you, Sir Henry, following the hint which you gave at the commencement of the sitting, to make strong representations to the India Office with regard to the exceptional charges made at present upon all telegraphic messages passing through India. The Colonial Office, I am informed, has, owing to the past action of the Postmaster General, all the details as to the charge of 7½d. made upon our telegrams, while they carry those of people within their borders the same distance for 2½d. This is an entirely unfair tax, and in view of the relations between the mother country and the Australian colonies, amounts to what might be almost called an unfriendly act, or at all events an anti-Imperial act. I submit that at the time when we are drawing the bonds between the mother country and the colonies closer than they have hitherto been, such a difference of charge imposed by one British possession upon communications passing to the other is surely altogether indefensible.

**THE PRESIDENT.** Since what has passed here this morning, I have caused a communication to be prepared for the India Office, to ask them fully to state their reasons, and at the next meeting I hope we may be able to lay those reasons before you.

**MR. DEAKIN.** I hope at the next meeting you will have a formal statement.

**THE PRESIDENT.** As very important questions have been raised to-day, I must suggest to the delegates whether it would not be well for them to meet and to put in writing the proposal which has just been suggested for the consideration of Her Majesty's Government. I think it would come more effectively through me, as the desire and expression of the wish of the colonial representatives—of course it would come with much more pressure and more force, and would justly carry more weight than if I were merely to state it as president of the meeting. I would therefore respectfully suggest that you should meet as soon as possible and give me in writing the proposition that is, as far as I can see, unanimously agreed to by the delegates with respect to the action of the Imperial Government in conjunction with the Colonial Governments.

**MR. DEAKIN.** In what respect?

**THE PRESIDENT.** In relation to the cable. You have asked whether Her Majesty's Government, on defensive and Imperial views, would be prepared to join the Colonial Governments in laying down, subject to details, and maintaining a line from Vancouver's to Australasia; that is to say, in other words, to have a Government line irrespective of a company.

**MR. DEAKIN.** I would be most happy to ask for the information, but I would not be disposed to convey the impression that the Government of Victoria would agree to it.

**THE PRESIDENT.** I understood it was the wish of the delegates to ascertain whether the Imperial Government would be prepared to unite with the Colonial Governments for defensive and Imperial purposes in laying down a line from Vancouver's to Australia; whether it would come to anything is another question, and what I would desire to submit to the delegates is that it would be as well if the delegates would meet and put their request into writing.

Sir SAMUEL GRIFFITH. I do not know how it could be better put in writing than as you have just read it.

The PRESIDENT. I want it to come from you instead of from me.

Sir SAMUEL GRIFFITH. I do not know that we should see our way to committing ourselves to any definite statement.

The PRESIDENT. That is just the point. You are asking me to lay down a proposition without being able to say that the Colonial Governments are committed to it for their part.

Sir SAMUEL GRIFFITH. Mr. Raikes told us this morning that from one point of view the Government will not entertain the question.

The PRESIDENT. They will not subsidize a company—that was the post office point of view.

Sir SAMUEL GRIFFITH. You are leaving open the inference that there might be other points of view in which they would entertain it—if the Imperial Government say: Under no circumstances will we consider the question, there is an end of it.

Sir JOHN DOWNER. I understand Sir F. Dillon Bell to say that the general feeling of the gentlemen present was in favor of the proposition.

Sir F. DILLON BELL. No, I did not say that; what I said was that if Her Majesty's Government were willing to consider the proposal of a duplicate line as a Government line to Australia, on common grounds for defensive purposes, that is a thing that would probably receive favorable consideration in Australia; but we want to know first what scheme would meet with encouragement, because if the Imperial Government say what the Postmaster General says, "No, we cannot enter into the scheme, and give our quota of the £100,000," taking it roughly at £50,000, then *cadit questio*.

The PRESIDENT. So far as regards "favorable consideration;" naturally Her Majesty's Government would say they would favorably consider anything that was brought before them by the Conference. The Government would consider the matter favorably, but that is a very different thing from saying that they would join in anything brought before them by the Australian Governments.

Sir FRANCIS DILLON BELL. No, I did not say that.

The PRESIDENT. That is exactly why I wished the delegates would meet and put in writing what they wanted me to submit to Her Majesty's Government. I am so afraid of misleading either the Colonial Governments or Her Majesty's. Now for instance the words "favorable consideration" have just been introduced. Her Majesty's Government may very well "favorably consider," but it all depends upon what representation is made by the Colonial Governments—whether they will all combine. You were asking previously whether Her Majesty's Government would join.

Sir FRANCIS DILLON BELL. That is why I put the question.

The PRESIDENT. If I had put that question, I am not quite sure that it is a question which would have met the views of all the delegates.

Sir SAMUEL GRIFFITH. I do not think any of us is disposed to commit himself to a definite statement. The only question is whether it is worth while to pursue the subject.

The PRESIDENT. Is there any objection on the part of the delegates to meet and submit a resolution in writing?

Sir SAMUEL GRIFFITH. The difficulty is to agree upon the resolution.

Sir ALEXANDER CAMPBELL. We can agree to ask the question.

Mr. SERVICE. My view is that your own words are the right thing; you say we had better write them.

The PRESIDENT. I ask you as delegates to present to me as president a request that I will put this question, you writing it out, to Her Majesty's Government for their information. It does not bind anybody, but has an important bearing upon the questions which are submitted to the Conference.

Sir WILLIAM FITZHERBERT. It seems to me a most reasonable proposal.

Sir ALEXANDER CAMPBELL. I desire to say that the name of the company being mentioned was merely accidental. We are perfectly content, but we think it

being a Government work would be more acceptable than being the work of a company as proposed by Mr. Fleming.

Sir PATRICK JENNINGS. I am bound to say that we could not commit ourselves to any definite proposal on behalf of our Government.

The PRESIDENT. Certainly not. If it is desired that this question should be raised (of course, I could not undertake that there should be an answer given to it directly) I should expect it to be put in writing and handed to me.

### III-4.

WEDNESDAY, 27th April, 1887.

#### *Present :*

The Right Hon. Sir Henry T. Holland, Bart., G.C.M.G., M.P., Secretary of State for the Colonies, President.

The Right Hon. Henry Cecil Raikes, M.P., Postmaster General.

The Right Hon. the Earl of Onslow, Under Secretary of State for the Colonies.

The Hon. R. H. Meade, C.B. } Assistant Under Secretaries of State for the Colonies.  
Mr. John Bramston, C.B. }

Mr. Stevenson A. Blackwood, C.B., Secretary of the Post Office.

Mr. C. H. B. Patey, C.B. } Assistant Secretaries to the Post Office.  
Mr. Edward H. Rea. }

#### REPRESENTATIVES :—

##### Newfoundland :—

Sir Robert Thorburn, K.C.M.G., Premier.

Sir Ambrose Shea, K.C.M.G.

##### Canada :—

Sir Alexander Campbell, K.C.M.G., Lieutenant Governor of Ontario.

Mr. Sandford Fleming, C.M.G.

##### New South Wales :—

Sir Patrick Jennings, K.C.M.G., late Premier.

Sir Robert Wisdom, K.C.M.G., formerly Attorney General.

Sir Saul Samuel, K.C.M.G., C.B., Agent General.

##### Tasmania :—

Mr. John Stokell Dodds, late Attorney General.

Mr. Adye Douglas, Agent General.

##### Cape of Good Hope :—

Mr. Jan Hendrick Hofmeyr.

Sir Charles Mills, K.C.M.G., C.B., Agent General.

##### South Australia :—

Sir John William Downer, K.C.M.G., Q.C., Premier.

Sir Arthur Blyth, K.C.M.G., C.B., Agent General.

##### New Zealand :—

Sir Francis Dillon Bell, K.C.M.G., C.B., Agent General.

Sir William Fitzherbert, K.C.M.G., Speaker of the Legislative Council.

##### Victoria :—

Mr. Alfred Deakin, Chief Secretary.

Sir James Lorimer, K.C.M., Minister of Defence.

Sir Graham Berry, K.O.M.G., Agent General.

Mr. James Service, late Premier.

##### Queensland :—

Sir Samuel Walker Griffith, K.C.M.G., Q.C., Premier.

Sir James Garrick, K.C.M.G., Q.C., Agent General.

Western Australia:—

Mr. John Forrest, C.M.G., Commissioner of Crown Lands.

Mr. Septimus Burt.

Natal:—

Mr. John Robinson.

Mr. W. A. Baillie-Hamilton, Secretary to the Conference.

Mr. John Pender, of the Eastern Telegraph Company, was also present.

The PRESIDENT. Gentlemen,—I think we were to resume our discussion upon the telegraph cables this morning, and I have asked Mr. Pender to attend here, so that he may supplement, in any direction that he desires, the letters from him and his statements which have been already printed and distributed amongst the different delegates. It will also give an opportunity to any delegate to ask Mr. Pender any question which arises upon these papers. Have you, Mr. Pender, any observations that you would like to make to supplement what you have already stated?

Mr. PENDER. I have nothing really to supplement. I have put before the Colonial Governments, and also before the Delegates, papers setting forth my views as to the best mode of giving the colonies the cheapest system of telegraphy. I have since the delegates arrived in London written to them, inclosing copies of that scheme, and I have informed them that if they wanted any further information than I had given them in these papers, I should be prepared to meet them, either individually or collectively, to give them that information. I have not yet received a copy of Mr. Sandford Fleming's proposition, and therefore I am not in a position to make any suggestions or any remarks upon that paper; but I shall be prepared when I have read that paper, to go into the whole question. If it is a question of cheap telegrams, I am prepared to show you how you can get cheaper telegrams through my system than through any other system. If it is for Government or strategical purposes that an alternative communication is required, I am quite prepared to deal with it from that point of view, because I hold that the system which I now have the honor to preside over contributes largely at the present time to strategical purposes. We have connected our great strongholds in the Mediterranean, Gibraltar and Malta; we have connected Aden; we have connected the Cape; and we have done more for strategical purposes than any new company could possibly do. I hold that we, being the pioneers of telegraphy, are entitled to full consideration. If other competing companies are to come against us, let them come unsubsidized as we are, and I have no fear of meeting any such competition. But I put the whole question of competition aside. I look at the points strictly of what is going to serve the interests of the country all round. I think I shall be able, by the papers which are before you, to show that the system which I have in hand is the system which will best suit the country all round. When I have read the papers, I hope I shall have the opportunity of carrying on the discussion further than it is possible to do to-day. I am obliged to be in the city at half past one o'clock, at the very latest, to preside over the half-yearly meeting of the Eastern Extension Telegraph Company, and therefore I doubt whether I can say anything more to-day upon the subject than I have just stated.

The PRESIDENT. I do not know whether Mr. Sandford Fleming objects to having the paper\* that he read shown to Mr. Pender. Of course everything hitherto has been very strictly confidential, and therefore I have adhered to that rule pretty strictly; and I must say that I am very grateful to the delegates for the way in which they also have observed that rule that we laid down for ourselves. But I do not know whether this paper that Mr. Fleming read to us might be shown to Mr. Pender?

Mr. PENDER. I have spoken to Mr. Fleming, and Mr. Fleming told me to-day that he should be only too pleased that I should have a copy of this paper, and that he understood that a copy had been sent to me.

The PRESIDENT. What is your view about it Mr. Fleming?

\* The paper referred to was a printed copy of Mr. Fleming's statements on April 19 and 20.

Mr. FLEMING. I have no objection whatever. On the contrary.

The PRESIDENT. Of course it is strictly confidential.

Mr. PENDER. Oh, yes.

A copy of the paper was handed to Mr. Pender.

Mr. FLEMING. I presume that the seal of secrecy is taken off?

The PRESIDENT. I think it must be handed to Mr. Pender as from yourself as strictly confidential. We have taken it off as regards Mr. Pender and yourself.

Mr. FLEMING. What I mean is this: that there is no reason now, I imagine, why this paper should not be sent to the authorities of Canada, for example.

The PRESIDENT. I should myself say that it would be much better that nothing should be publicly circulated at present, and it is for that reason that I should suggest that it should be handed to Mr. Pender as strictly confidential, because it contains criticisms of one of his letters which has been printed and circulated.

Sir ALEXANDER CAMPBELL. If I understand it, Mr. Fleming does not think that it should be communicated to Mr. Pender unless he has the opportunity also of communicating it further.

The PRESIDENT. Then we must withdraw it from Mr. Pender, because I do not think it ought to be communicated further. I would rather consult the delegates upon the question. Perhaps, Mr. Pender, you will kindly retire?

Mr. Pender retired.

The PRESIDENT. The case is shortly this: Up to the present moment, these papers have all been treated as confidential. One of the papers, which is presented by Mr. Fleming, contains a criticism upon one of the former printed papers which was handed in by Mr. Pender. It is not undesirable, perhaps, that Mr. Pender himself should see confidentially the criticisms (hear, hear) and that he should confidentially in the same way as other papers have been handed in, hand in an answer. But I should like to take the opinion of the delegates whether, because it is handed to Mr. Pender, it should be made a public paper. That is, as I understand, quite opposed to what we laid down for ourselves at the beginning of the Conference. (Hear, hear.) Therefore, if Mr. Fleming would prefer that it should not go to Mr. Pender unless it is made a public paper, I hope that the delegates will support me in the view that it should not be handed to Mr. Pender. (Hear, hear.)

Sir F. DILLON BELL. What we understood was, that Mr. Pender on the one hand, and Mr. Sandford Fleming and those engaged on behalf of the Canadian cable on the other hand, and also Mr. Henniker Heaton, should have the opportunity of seeing each other's papers, but only in a perfectly confidential manner.

The PRESIDENT. If it is strictly confidential; but Mr. Fleming wishes to go beyond that, and if he hands it to Mr. Pender to have it, as I understand, made public in Canada.

Sir F. DILLON BELL. I think, Sir, that we should support you in asking Mr. Fleming not to take that course. (Hear, hear.)

Mr. FORREST. It is understood that none of these papers are to be sent to our Governments?

The PRESIDENT. Yes. Every paper will be communicated confidentially to the Colonial Governments at the end of the Conference.

Mr. SERVICE. Do I correctly understand, Sir, that Mr. Fleming is willing to give Mr. Pender a private copy of his paper; but that, if he does so, Mr. Fleming desires to be at liberty to circulate it in Canada? Because, if that be his position, then I say that Mr. Fleming ought to have the right to do whatever he likes with his own paper, and that we can have no objection to its being published if he thinks that it should be published. I think it is perfectly open to criticism, and will stand it. I can understand his objecting, and our all objecting, if Mr. Pender wished to publish Mr. Fleming's paper; but if Mr. Fleming himself is willing to publish it, is there any reason on the part of this Conference why we should object?

The PRESIDENT. I had understood that papers presented to this Conference were to be treated as confidential, at all events until the Conference was closed (hear, hear), and until we have an opportunity of considering the whole of the papers, and

preparing them for publication. Mr. Fleming's paper was presented like all other papers; it was a statement that was read to the Conference, and it became therefore a confidential paper. I am very loth to take off that seal of confidence unless there is some very clear and special reason which meets the views of all the delegates. (Hear, hear.) Mr. Fleming is fairly enough anxious that Mr. Pender should see the criticisms that he has made upon Mr. Pender's statement; but then he says, "If Mr. Pender sees it, I must make this public." I think the delegates are of opinion, so far as I can gather, that that should not be so; that it would be better to withhold the paper from Mr. Pender, unless Mr. Fleming is content that it should be shown to Mr. Pender alone.

**MR. FLEMING.** Personally I have no objections whatever to Mr. Pender seeing the paper; I should like him to see it. But if Mr. Pender sees it, I think in the public interest others should see it as well as Mr. Pender. However, I leave it entirely in the hands of the Conference.

**THE PRESIDENT.** That others will see it at a latter period is quite certain, because this is a paper which will unquestionably be published, and not only sent confidentially to the colonies, but this is a paper which, like many others, though confidential at present, will be made public as part of the documents of the Conference; and I do not think that the comparatively short delay will in any way affect your wishes, Mr. Fleming.

**MR. FLEMING.** Not at all; in fact until now I thought Mr. Pender had received it, and I fully expected to find in the papers something from Mr. Pender in reply to what I submitted the other day. I leave it entirely with the Conference.

**THE PRESIDENT.** Then, with the assent of the Conference, I will keep to the rule that we have laid down (hear, hear), but I do not understand that the delegates at all object to Mr. Pender's seeing this strictly confidentially. (Hear, hear.)

**SIR ROBERT THORBURN.** I think that it would be very well to adhere to the programme laid down in the beginning, and to treat all the papers alike as confidential. If we make an exception in favor of one it will get out, and discussion will arise in the public press, and I think it is very inexpedient that such should be done. If Her Majesty's Government desire confidentially to communicate any one of these papers to any of the Governments abroad, it could be done in a confidential manner, and very much safer done when the time comes when the documents can be submitted to the public.

**SIR SAMUEL GRIFFITH.** We desire to arrive at the truth, and to get all the information that we can. If we submit Mr. Fleming's paper to Mr. Pender confidentially, we shall get some additional information. The balance of advantage appears to me to be in favor of giving it to him.

**THE PRESIDENT.** Provided that it is all confidential.

**SIR JOHN DOWNER.** I quite agree with you, Sir, that it would be very inexpedient to depart from the rule that has already been laid down. As a matter of convenience, Mr. Fleming read the paper, but of course it is substantially the same thing as if it were a speech delivered by him in the Conference; and as that speech was in a very large degree a reply to statements publicly made by Mr. Pender, the speech of Mr. Fleming would be of much more value both to himself and to us, I should imagine, if an opportunity were given to the gentleman commented upon to make, if necessary, a reply.

**MR. HOFMEYER.** Is Mr. Fleming's paper in the nature of a published document? Is it not simply in the nature of a speech which, for personal reasons, I may say, was read by Mr. Fleming instead of being delivered extempore?

**THE PRESIDENT.** That is exactly the case, as pointed out by Sir John Downer.

**MR. HOFMEYER.** Mr. Fleming's speech having, for accidental reasons, been read instead of being spoken, should not the speeches of other speakers which have been delivered extemporaneously be also, by parity of reasoning, communicated to Mr. Pender and to all other persons mentioned in these speeches? (Hear, hear.)

**THE PRESIDENT.** It really only affects Mr. Pender. It is a question of criticism upon Mr. Pender's letter which we may take as having been given in a speech of

Mr. Fleming's. What we propose is, that Mr. Fleming should be allowed confidentially to say: "Such and such criticisms were offered on your scheme in my speech, which speech, for convenience, has been printed"; and then Mr. Pender confidentially can return an answer, but it is not to go any further.

Mr. HOFMEYER. We may leave it in Mr. Fleming's own hands, I think to communicate privately.

The PRESIDENT. I think that we are all agreed that it should be communicated in that way to Mr. Pender alone. (Hear, hear.)

Mr. Pender was again called into the room.

The PRESIDENT (to Mr. Pender). You will have a copy of this paper confidentially submitted to you, and your answer will be treated as confidential; and I must ask you on the part of the delegates to observe that rule.

Mr. PENDER. Certainly, I will do so.

The PRESIDENT. It is as if Mr. Fleming had confidentially stated to you certain criticisms that he has made upon your statement. All our papers have been confidential up to this moment, and everything that passes in this room, I may say (as there are gentlemen here who are not delegates) is confidential.

Mr. PENDER. That shall be strictly adhered to.

The PRESIDENT. Mr. Pender will now be able to answer particular criticisms that have been made upon his scheme by Mr. Fleming, or to offer any statement in reply to Mr. Fleming. Would any delegate like to ask Mr. Pender anything before he goes? Would you, Mr. Fleming, like to ask Mr. Pender anything now?

Mr. FLEMING. I have no question to raise. I have seen, I believe, all that Mr. Pender has submitted to the Conference on the subject of the proposed alternative line, and I have dealt with it in the way set forth in the paper now handed to Mr. Pender. Probably Mr. Pender will have something further to say; and if so, I think he ought to have an opportunity of laying it before the Conference on another day.

Mr. PENDER. I shall be very glad to give a detailed reply to this communication, if you give me an opportunity of coming before the Conference and discussing the question, if it is to be discussed openly.

The PRESIDENT. Speaking broadly, I gather that Mr. Pender's view and that of the company that he represents is, that they can materially diminish the rates by their own lines between this country and the Australian colonies; but that there is no proposition on their part to lay a cable between Vancouver and Australia. That is not their scheme. Their scheme is to meet the proposition of the company to lay a cable between Vancouver and Australia, by saying that they can benefit Australia to the same extent, if not more, by a reduction of their rates along their own lines. That is, broadly speaking, your view, Mr. Pender, is it not?

Mr. PENDER. Exactly. I am prepared to give you a scheme for half the amount that you would subsidize another company for. I am prepared to give you a lower tariff than they could possibly give you by that double subsidy, as I call it, which they ask.

Mr. ADYE DOUGLAS. Provided that a guarantee is given.

Mr. PENDER. There are two modes of dealing with it, either by guarantee or by subsidy. I believe that if you were to adopt the system which I have laid before the Colonial Governments of a guarantee, there would be such a development of traffic as would make the guarantee all but nominal.

Mr. SERVICE. The scale of contribution from the various colonies which is shown by your printed document, which has been submitted to us, is at the 2s. 6d. per word rate, and the 4s. rate. Is that the scheme that you would propose to submit to us as being better than any that could be submitted by the Pacific Company, for example?

Mr. PENDER. Yes.

Mr. SERVICE. Or do you propose to place before us some other scheme?

Mr. PENDER. That scheme of the 4s. and 2s. 6d. rates, I believe, would give you the lowest tariffs that are possible to be given.



Mr. SERVICE. This 4s. tariff I have no hesitation in my own mind in believing that the Pacific Company could carry out. I think that some other proposal which has been submitted to us of 2s. a word is quite impossible; but I think that we might fairly conclude from what the Conference already knows, that an opposition company could carry out the 4s. tariff. It is proposed by another company to give us a tariff not more than that at all events for a very much less subsidy than that which you submit to us in this printed paper. Therefore, I would like to understand how it comes that your proposal can be more advantageous to the colonies than the proposal of the new company.

Mr. PENDER. As I have not read the proposition that has been made, I cannot answer it, but what I say is this: that knowing something of the working of the system, the proposition that I have made is a proposition that cannot be underbid.

The PRESIDENT. But, Mr. Pender, when you say that you have not seen the proposal, you have seen the memorandum relative to the proposed Pacific cable, because it is upon that proposal that you have made your criticisms.

Mr. PENDER. I have seen that memorandum.

The PRESIDENT. But what you have not seen is the further criticism upon your answer made by Mr. Fleming?

Mr. PENDER. Certainly.

The PRESIDENT. But you are speaking after having seen and considered the proposal of the Pacific Company, as I understand?

Mr. PENDER. Certainly. The proposition that I have made as against that, is lower than the proposition which I would call the competitive proposition. I give you a 4s. tariff. I give you, I think, for £75,000 what they ask £100,000 for. If you adopt a guarantee system I give you for £55,000 what they ask £100,000 for; and I am prepared to back up my opinion by taking part of the risk that would be naturally incurred in making that reduction. If, as I am told by colonial gentlemen, reducing the tariff to 4s. would give a corresponding increase of traffic, the amount of the guarantee required would be nominal, probably not amounting to more than a few thousand pounds.

Mr. SERVICE. You show £55,000 as the total contribution of the colonies, I think, supposing the traffic to be increased by 100 per cent. The proposal that you submit is entirely hypothetical; that is to say, it is based upon a certain increase of the traffic from 25 to 100 per cent.?

Mr. PENDER. Certainly.

Mr. SERVICE. Otherwise your offer is higher than the offer of the other company; that is to say, your absolute offer is £103,000, taking even an increase of 25 per cent. in the traffic. Their proposal is £100,000 without any reference to a hypothesis of any sort.

Mr. PENDER. What I say is this, if I may refer to my figures; that if you adopt the subsidy principle, I am prepared to give you a 4s. tariff for £75,000 a year. They offer you that 4s. tariff for £100,000 a year. Therefore, to begin with, there is a saving there of £25,000 a year.

Mr. SERVICE. You mean that that is a further proposal that you have to submit now?

Mr. PENDER. No, it has been submitted.

Sir SAMUEL GRIFFITH. Is that £75,000 in addition to the £32,000 which is now paid?

Mr. PENDER. Certainly.

Sir JOHN DOWNER. Then it is more than £100,000?

Mr. PENDER. The present sum of £32,000 was given by the Governments of New South Wales, Victoria, South Australia and Western Australia for the purpose of getting an additional cable. We provided that duplicate cable on condition of that payment. That cable was not required; we could have done six times the amount of traffic without that cable; but those colonies were so alive to the benefit that telegraphy conferred upon them that they wanted a certainty, or as near a certainty as it was possible to give them; and they showed their appreciation of the

system by offering us this £32,000. That is the reason why that stands distinct from the other proposition altogether.

Mr. DEAKIN. But the proposal of the Pacific Company is only that it should be paid a similar subsidy for a third cable, and a second route.

Mr. PENDER. What I say in regard to the Pacific Company is, that if they are to be subsidized, then you must subsidize the present system as well.

Mr. DEAKIN. You are subsidized.

Mr. PENDER. We are not subsidized. Our capital is £3,500,000; £32,000 is no subsidy for such a capital as that.

Sir SAMUEL GRIFFITH. I should like to ask Mr. Pender this question. In this proposal, the average receipts are stated and the average number of messages. Is not the number of messages very much increased during the last three years?

Mr. PENDER. There has been a very steady increase until about a year ago, and it so happens that the traffic went down just about the time that we reduced the tariff. We reduced the tariff by 1s. 4d. a word, and the traffic went down at the same time. But, previously to that, there had been a steady increase, and to-day I am going to preside at a meeting, and I am going to declare a lower dividend than I declared last year because there has been a decrease in the tariff. I am glad to say that during the last two or three months, in the last month more particularly, in fact since you gentlemen have come here, we have had rather an increasing traffic, and I hope it will continue.

The PRESIDENT. Would Sir Samuel Griffith kindly give us the date of the proposal to which he alludes, so that it may go on the shorthand writer's notes?

Sir SAMUEL GRIFFITH. There is no date on it. It is one of the papers that was circulated yesterday, headed "Proposition of the Eastern Extension Company to the Australasian Colonies."

Sir SAUL SAMUEL. Perhaps Mr. Pender would explain now the guarantee system which he proposes?

Mr. PENDER. What I suggest is this: that if the colonies guarantee the present receipts on the last three years, I am prepared to make the rate what they please. I show them that if there is an increase of 50 per cent., the amount that they would require to pay would be £55,000. That, divided amongst the different colonies, would be comparatively a small sum compared to what they would be required to pay under the proposed subsidy of £100,000.

Sir SAUL SAMUEL. You mean for the 4s. rate?

Mr. PENDER. Yes; for the 4s. rate. I believe there will be a very large increase, and I am prepared to share, to a considerable extent, the risk to be taken in reducing the tariff to 4s.

Sir SAMUEL GRIFFITH. That is not contained in any of these propositions.

Mr. PENDER. No; that is supplementing the proposition that is now before you.

Sir SAMUEL GRIFFITH. To what extent would your company be prepared to share the risk?

Mr. PENDER. I would take one-fourth of the risk.

Sir F. DILLON BELL. How would you work that out in figures? What would the effect of that be upon the guarantee proposal that you have made?

Mr. PENDER. That would work out in this way: that if I take a risk of 25 per cent., I think it would entail upon the company something like 12,000 of the risk.

Mr. DEAKIN. Would you mind repeating that proposition?

Mr. PENDER. If you will allow me, I think I can read it from the paper. I have worked it out, gentlemen, at one-eighth, but that will be taking half the risk that I now propose, and you can double that. If there was no increase at all, the amount of the risk that we would take would be about £29,000. If there was 25 per cent. increase, the risk would be £44,000.

Mr. DEAKIN. Your risk?

Mr. PENDER. Our risk.

Sir JOHN DOWNER. Rather more.

Mr. PENDER. I am speaking roughly. If there was 50 per cent. increase, the company's risk would be £22,000. If there was 75 per cent. increase, the company's risk would be £16,000. If there was 100 per cent. increase, the company's risk would then be £12,000. That is taking a fourth of the risk at a 4s. tariff.

Sir JOHN DOWNER. It would be more, I think. Looking at these figures before us, I take it that supposing that the traffic increased 25 per cent., then the total subsidy would be £103,000, and 25 per cent. of that would be about £25,000. If it increased 50 per cent., the subsidy would be £87,000, and 25 per cent. of that would be about £22,000. If it increased 75 per cent., the subsidy would be £71,000, and 25 per cent. of that would be £18,000. If it increased 100 per cent., the subsidy would be £55,000, and then the contribution would be about £14,000.

Mr. DEAKIN. Or you can put it this way. If there is no increase, the company risks £29,000, and the colonies £87,000. If there is 25 per cent. of increase, the company risks £24,000, and the colonies £72,000. If there is an increase of 50 per cent., the company risks £22,000, and the colonies £66,000. If there is an increase of 75 per cent., the company risks £16,000 and the colonies £48,000.

Mr. PENDER. Yes, more or less.

Mr. DEAKIN. At 100 per cent. of increase, the company risks £12,000 and the colonies £36,000.

Sir JOHN DOWNER. £14,000 would be the company's risk.

Sir F. DILLON BELL. What I want to bring out is this—according to your proposal now to stand in for a risk of 25 per cent., may we not take your proposition to be amended in this way: that the guarantee would stand so that, if no increase took place, the total amount to be made up would be, in round numbers, about £87,000 by the colonies; and if there were 25 per cent. increase, in round numbers the amount to be made up by the colonies would be about £78,000?

Mr. PENDER. Yes.

Sir F. DILLON BELL. If the increase was 50 per cent., the amount paid by the colonies would be £65,000; if it was 75 per cent. it would be £50,000; and if it was 100 per cent. it would be £42,000? We may understand your proposition now as being amended in that respect, so that if there were to be 50 per cent. additional increase, we should not have to pay more than £55,000 a year in round numbers?

Mr. PENDER. Yes.

Sir F. DILLON BELL. And if the traffic was doubled, not more than £42,000 would have to be contributed by the colonies?

Mr. PENDER. Certainly.

Sir SAUL SAMUEL. On a similar system we might have even a greater reduction in the rates.

Mr. PENDER. I made a suggestion of a reduction to 2s. 6d., and in that way the results of course would have been more onerous. But I would not recommend at the present moment the 2s. 6d. I think that the 4s. will be a good experiment, because if we go into the 2s. 6d., we have to deal with the Indian Government, we have to deal with the Russian Government, and with the Prussian Government; and consequently their interests, not being exactly the same as our interests, it might take some considerable time to bring that about. But if the 4s. were successful, then you may extend it to the amount of our pay-outs. All that we want is a similar amount to what we are receiving at present; and if that is assured to us we are satisfied.

Sir SAMUEL GRIFFITH. What do you pay out now?

Mr. PENDER. Our pay-outs now altogether amount to about 2s. 4d.

Sir JOHN DOWNER. If the Indian charges were reduced to the rate which is now charged in India for local Indian messages, what then would be the difference?

Mr. PENDER. If India were to put us upon the same footing that we are put on in England, by giving us a wire for ourselves across India, instead of paying £40,000 a year, we might pay under £5,000 a year; and I have offered on previous occasions in discussing this question to give this difference towards the reduction of the tariff.

Mr. SERVICE. As a matter of passing interest, can you tell us the reason why the Indian Government insists upon that charge?

Mr. PENDER. They say, because they cannot afford to give it up. That is all.

The PRESIDENT. That is not a bad reason.

Mr. FORREST. They charge more than for local telegrams?

Mr. PENDER. They have admitted that they work upon the lines of the British Government system, and that the British Government system is so much per mile. I think that we pay them in this company £5 per mile for the wire. If we paid them £10 per mile for the wire, it being perhaps more difficult to maintain at that distance, we should still effect a saving of over £30,000. I have always urged, that it is a very hard thing to punish the Australian Colonies to the extent that they are punishing them for simply a transit wire. We do not deliver one message in India; it is simply for carrying the messages from sea-board to sea-board. We do not interfere with their traffic in any way.

Sir SAMUEL GRIFFITH. Supposing that the traffic, instead of increasing were to fall off, is it understood that the amount of the guarantee asked is to be a fixed sum of £119,000, or is the guarantee to cover the deficiency between the receipts at the new tariff, and the average receipts under the old tariff?

Mr. PENDER. The sum that you have to guarantee is a given sum. That sum continues whether the traffic is large or small. If the traffic should increase, it will tend to lower the guarantee; in fact, it will wipe out your guarantee altogether. If it goes down, you know the point that you start from, and that must be maintained.

Sir SAMUEL GRIFFITH. You say that the revenue on an average of three years, at 4s., is £63,983. Do you start with that as a fixed sum?

Mr. PENDER. We start with £183,228.

Sir SAMUEL GRIFFITH. And we are not under any circumstances to guarantee more than the difference between £63,983 and the average annual receipts for the last three years?

Mr. PENDER. You guarantee the full amount I have previously stated.

Sir SAMUEL GRIFFITH. But supposing that the average for the next three years, from some unexpected cause, was to be considerably reduced, and that the revenue you received, instead of being £63,000, was only, say, £50,000, who would sustain the loss of the other £13,000?

Mr. PENDER. The guarantors, of course.

Sir SAMUEL GRIFFITH. Then our guarantee might be for an unlimited amount up to 180,000?

Mr. PENDER. Yes, but that is very speculative. I do not believe that your colonies or your peoples are going to diminish in number. I do not believe that your trade is going to diminish. I see an enormous growth of it, and that growth will feed telegraphs. The progress of submarine telegraphs is very remarkable. When the Eastern Extension Company was formed, the one that we are now dealing with, there was a period in its history (we were the pioneers) when we could not give away the shares; we could not get people to take the shares, because they were afraid that they would be called upon to pay-up upon shares which would give no return. The growth has been remarkable and very steady. It has gone up pretty much from the time we started 10 per cent. per annum; and my impression is, and I believe fairly, that within the next ten years our telegraphing will be largely increased. Therefore I am prepared to take the risk of the traffic falling off. I do not look forward to its going back, except temporarily. We went back, as I told you a little while ago, immediately after the Berlin Conference, but we are coming forward again. It takes time to recoup the reduction that we made, but there is a steady increase in the last three months.

Sir SAMUEL GRIFFITH. I asked the question because, in any case of a guarantee, it is always necessary to know the maximum amount that the guarantors may be called upon to pay.

Mr. PENDER. I am quite prepared to deal with it upon this principle. Take a fixed sum that you are going to guarantee, and I am quite prepared to deal with it.

Having such confidence in the growth, I am quite prepared to say, that should the traffic go back, we will adhere to the sum that we may fix as the amount of the guarantee, and we will not increase it.

Sir JOHN DOWNER. I do not see how you could increase it. Your proposal is to take the average receipts for the last three years, and that we should guarantee those during the continuance of this agreement. What Sir Samuel Griffith points out is, that if from any cause the traffic went very much below its present average instead of increasing, of course the guarantors would be responsible.

Mr. PENDER. Yes, only for the three years. We fix a sum now.

Sir JOHN DOWNER. That is the average of the last three years. Supposing that this agreement was made for five years, and the average was 100 per cent. below the previous three years, we should have to pay that guarantee.

Mr. PENDER. You have misunderstood my reply to Sir Samuel Griffith. What I say is this—that the guarantors will not be called upon for any sum in excess of the sum that we fix now as the average of the three years.

Sir JOHN DOWNER. Of course not.

Mr. PENDER. That is what I meant. We take the risk of the traffic falling off.

Mr. ROBINSON. Am I right in assuming that you are prepared to extend this proposal to the South African Colonies?

Mr. PENDER. I have submitted a similar proposition to the Cape.

Mr. ROBINSON. In their case, of course, you do not incur these heavy intermediary charges that you incur in the case of the Australian Colonies. You have not to carry your line through India, or through other foreign countries; but you simply carry your own cable direct from Aden?

Mr. PENDER. Yes.

Mr. ROBINSON. Would the guaranteeing colony be liable to their full share of the guarantee in the event of the cable being interrupted for any considerable period?

Mr. PENDER. When the cable is interrupted, a certain time is given for repairs after which the guarantee would be suspended.

Sir F. LILLON BELL. We do not, I think, quite understand yet what the effect of your last proposal is. If you are yourself so confident that the traffic will not be permanently reduced, could you not see your way to amend your proposal, and say that, as in the case of an increase of traffic you will stand in for one-fourth of the difference, so you should also stand in for one-fourth of any reduction if the traffic was reduced? Would you put yourself in the position of speculating, so to speak, on the continuance of the present average sum? You have amended your proposal in this way; you propose that, instead of the amounts standing as they are in the printed paper, they should stand with the deduction of one-fourth, which you propose to take as the risk of the company. Is that not so?

Mr. PENDER. Yes.

Sir F. DILLON BELL. But as Sir Samuel Griffith pointed out, that would not affect the question if the traffic were reduced, and the colonies would still remain guarantors upon £119,000 to £183,000. Since you are yourself so confident of the traffic continuing, surely you could amend your proposition in regard to reduction of traffic as well as increase, and say that if the traffic is reduced the guarantee shall be reduced too?

Mr. PENDER. We are prepared to take one-fourth of the risk of reducing from the present rates to 4s., and the risk of the traffic falling off.

Mr. DEAKIN. Is not this average of three years that you speak of an average made upon rates which you have since reduced?

Mr. PENDER. I am quite prepared to take the average. In dealing with these documents, I think I took the average up to the end of 1885; I have no objection to take the average up to the end of 1886. In short I am prepared to discuss this question point by point with you with the view of arriving at such a solution as I think would give you what I have stated to be the cheapest possible telegraph system that you can find.

Mr. HOFMEYER. I suppose you would say that, although the population of Australia might go on increasing, and therefore the proceeds of telegraphic communication with Europe would probably not fall off, yet, if the Pacific line of cable were laid to Australia, or another line were laid *via* the Cape by the Mauritius and India to Australia, the chances are that the returns on your line may fall off, the increase of population notwithstanding?

Mr. PENDER. I do not know what the Government requires in the way of strategical lines, but I say that you could not spend money more foolishly than in putting down a competing cable, when, by applying half that you would require to give to the competing cable to the system now existing, you could get a lower rate than they could give you at the double rate. I think that it would be a waste of money.

Mr. HOFMEYER. But the question that I was putting was, whether there was not some possibility of the traffic on your line from Australia falling off if the Governments were foolish enough to lay such lines as I have just now mentioned on the recommendation of naval experts.

Mr. PENDER. If the Government were foolish enough to subsidize such a line our traffic would fall off by 50 per cent. But in settling this question now, I understand that it is to be settled for a period in which there will be no competing line.

Mr. HOFMEYER. I will put another question. I suppose we are agreed that all the systems of submarine telegraphic communication may be looked upon from two points of view, the commercial and the strategical. Suppose now that military experts and naval experts were to hold, that in the interest of the defence of the Empire it is highly necessary that a cable should be laid from Vancouver Island across the Pacific Ocean to Australia, or that, also for the defence of the Empire, a cable should be laid to the Cape of Good Hope, and from the Cape of Good Hope to the Mauritius and thence on to Australia, would you with any show of reason maintain that the Government should not take into consideration the opinions of those experts, but should resist the laying of such cables? Would you in the presence of such technical opinion given by experts hold that the proposals of the company, which for the present I may be allowed to say is represented by Mr. Fleming, were unreasonable and that the Government should not entertain them, the opinions of experts notwithstanding?

Mr. PENDER. If experts decide that for strategical purposes other cables are required to be laid, of course I cannot interfere with that question. But all I say would be this: that I would show them that if they are going to deal with cables for strategical purposes they cannot interfere with commercial and private enterprise without dealing with it, and to some extent protecting it. They might require, and I believe they would require, to take over the existing system altogether. If the Government are going to begin to lay cables on their own account, they must deal with companies who have now laid cables. As I said a little time ago, the present system has done an immense deal for the Government, and has met strategical purposes in many ways; but I go further and say this: that if the Government chose to adopt the whole system, out of the present system which has been created within the last few years, I think I could show them that there would be such a margin as would enable them to deal with the strategical question without calling very heavily upon the country for the money to provide it. However, that is a question that ought to be discussed, I think, on another occasion.

Mr. HOFMEYER. That is a question which we cannot decide without calling in naval and military experts, and I believe it will be discussed subsequently in the presence of such experts; but I only draw attention to this point to show that the Government may have to decide to lay such a cable, even although your present tariff may be a most reasonable tariff, and there may therefore be no reason for complaint on commercial grounds.

Mr. PENDER. I find from what has been brought out in the last few days that New Zealand, which has taken a very active part lately, and with whom we have had rather a warm controversy, admits the principle that if you are going to lay down a competing Pacific cable or cables for strategic purposes, you are bound to take up the existing system and deal with it.

Sir F. DILLON BELL. That has not been formally admitted yet.

Mr. PENDER. It has been suggested by New Zealand, and I think it is a very proper suggestion.

Mr. HOFMEYER. All this is a mere matter of contract, and I suppose that the principle that would apply to contracts on telegraphic communication would apply to contracts bearing on all other concerns of life.

Mr. PENDER. No; I think it has been the rule of all Governments, or of all honest Governments, that they never attempt to compete with private enterprise. If they are going to take possession of a system which has been created by private enterprise, they take it upon valuation, such as that upon which the land lines of England were taken over from three different companies. I had the honor of being connected with one of the companies, and the Government dealt with them in a fair and proper spirit.

Mr. HOFMEYER. Nobody proposes that if the Government should take over any or all of the cables, they should not pay a fair compensation.

Mr. PENDER. If they are going to deal with the cables they must deal with them as a whole. No Government would take the plums out of the pudding, and leave the dough. That would not do at all. You must take the thing as a whole. But, as I said just now, when the question comes to be discussed of the strategical positions of our coaling stations and the necessity of connecting those coaling stations by telegraph, I think I can show a scheme whereby the Government might adopt the whole system, and allow it to be worked pretty much by the people who understand it, and who are working it now, which would show a margin of profit under the Government guarantee. The Government would require to take the risk of the cables, which they would have to take in the case of their laying their own cables. I think I could show a very large margin of profit. The average income from the cables which I represent, our Eastern system from the Mediterranean to the Far East, is such that if we borrowed money at three and a-quarter per cent. or four per cent. which we should have no difficulty in getting under a Government guarantee, I could show a margin of something like a quarter of a million a year. Therefore, if the Government want to deal with the cables, I think, as I have already said, that I can show them how they could do it without drawing very heavily upon the Exchequer.

Mr. HOFMEYER. Your position is shortly this: that the Government have no right to lay another cable to Australia for strategical or other reasons, because the chances are that your company may suffer by the laying of such cables, unless the Government is prepared to make up whatever loss you may suffer in consequence?

Mr. PENDER. I say, that if I can show Her Majesty's Government and the Colonial Governments that I can give them a lower rate of tariff with a lower subsidy than they are prepared to give to a competing cable, such as that of the Pacific Company, it would be an unjust thing to the existing company, who were the pioneers, to subsidize a cable against them.

Sir JOHN DOWNER. What I wished to say was that I scarcely understood that when Mr. Pender was here, it was for the purpose of asking his assistance in discussing the expediency of adopting lines for the purpose of strategy; I rather think that the discussion is going a little beyond what we originally intended. What I wish to point out to Mr. Pender is this, referring more strictly to what I think we did require information from Mr. Pender upon: in the event of the profits of the company being increased by reason of this reduction in the tariff, that increase of course the company would retain. Our guarantee will involve no liability upon us by any increased revenue arising from the reduction, but that, as I say, the company will retain. That being so, I would suggest to Mr. Pender, would it not be possible for him to suggest a maximum liability on the part of the guarantors, so that they may know precisely the limits within which their liability would accrue? I think that Mr. Pender will have to come here again, as we shall need to have his reply upon the paper which has been read by Mr. Fleming; and perhaps Mr. Pender might at

the same time be prepared with some further proposition in regard to the point that I have mentioned.

Mr. PENDER. I have already suggested a very considerable reduction in the cost, but I have no objection to put it into figures and show perhaps more clearly than is now before the Conference, what the guarantee would really amount to. I think Sir John Downer's proposal would meet Sir Samuel Griffith's suggestion that there ought to be a limit as to the amount of the guarantee: so that there should be no risk beyond the risk that they understand at the present moment.

Sir JAMES GARRICK. I understand that it is clear now that our maximum guarantee is one-fourth less than the figures stated here. That is the conclusion I have arrived at from the discussion which has taken place. When the corrected figures are stated, I take it that the result will show that our maximum liability is 25 per cent. less than the figures stated here in this memorandum.

Mr. PENDER. Certainly.

Sir JAMES GARRICK. Could you tell us what rate of interest that would be upon the capital embarked—I mean upon the assumption of the reduction by 25 per cent.?

Mr. PENDER. I think it would considerably affect the dividend.

Sir JAMES GARRICK. What interest would this sum give upon the capital?

Mr. PENDER. The dividend we are now paying is only 6 per cent.

Sir JAMES GARRICK. Not more than that?

Mr. PENDER. No; we have to provide entirely for the renewal of these cables; these cables do not live for ever.

Sir SAMUEL GRIFFITH. Have you not made any allowance for amortization before arriving at the six per cent.?

Mr. PENDER. Yes. Then there is not only the renewing of the cables, but there is the annual expense of maintaining them.

Sir SAMUEL GRIFFITH. But I presume that is charged against the company before the dividend of six per cent. is declared? It is a net dividend of six per cent.?

Mr. PENDER. Yes.

Sir SAMUEL GRIFFITH. I want to ask with regard to the £32,000, the present guarantee—whether that is included in the average annual receipts of the company of £183,000?

Mr. PENDER. No, it is quite separate.

Sir SAMUEL GRIFFITH. These figures show this £119,000, as being in addition?

Mr. PENDER. Yes; all the subsidies that we have form part of our dividend, but are not included in the figures shown in the proposition.

Sir JOHN DOWNER. Supposing the traffic were less after this proposed change than it is at present, then the liability of the guarantors would be greater than any of these amounts, would it not?

Mr. PENDER. No, I think I have explained that already.

Sir JOHN DOWNER. Supposing that the traffic were only one-half of what it is at present, what would be the extent of the liability of the guarantors?

Mr. PENDER. The guarantors would have to make up to the amount that is arranged. If it is £103,000, and there is a falling off in the traffic, then they are only bound to pay £103,000; but if the traffic increased by 25 or 30 or 40 or 50 per cent. then the amount they will have to pay upon the guarantee decreases.

Mr. DEAKIN. It is a maximum guarantee—it may be less, but it cannot be more?

Mr. PENDER. Yes.

Sir JAMES GARRICK. I do not quite understand whether the 6 per cent. is on the reduced amounts or on the amounts that appear in this paper. You are now taking upon yourselves to the extent of 25 per cent. Is your dividend of 6 per cent. estimated upon your reduced amount, or upon the amount in the paper?

Mr. PENDER. It is on the amount in the paper.

Sir JAMES GARRICK. Your dividend of 6 per cent. would be reduced in certain contingencies by a fourth.

Mr. PENDER. Yes, unless the traffic increased.



SIR ROBERT WISDOM. What is the actual paid up capital of the Company?

MR. PENDER. The capital of the company is £3,500,000.

SIR ROBERT WISDOM. That is all paid up, is it?

MR. PENDER. That is all paid up.

MR. SERVICE. I was going to ask a question upon another point which has been mentioned already, in respect to the moral obligations devolving upon this Conference in the way of recommending, and upon the various Governments in the way of acting; I mean, the moral responsibility of recognizing the existing claim, as it were, of the Eastern Company and deprecating the colonies paying a subsidy to another private company in fact, for the first time, for that is the way as I understand in which Mr. Pender puts it. He contends his company are getting no subsidy, and he protests against another company getting a subsidy against his company. Supposing it were argued, as I know it is very strongly, that the amount now paid by the Australian colonies of £32,000 is a subsidy; I should like to know how Mr. Pender gets over that argument. I know how he has already referred to it by saying that this contribution was given for the purpose of getting a duplicate cable laid down, but why did we agree in Australia to pay this money for the purpose of getting that duplicate cable? Because the original cable failed to give us telegraphic communication. That was the entire reason. I remember well the circumstances at the time, and it was simply the case that we were continually week after week, and sometimes for a week together (I am only speaking from memory, but I think I am right) without telegraphic communication; and therefore the cable as first laid down by the company was almost worse than useless, because it broke down very often at a time when both public and private business of an important character had been initiated but could not consequently be completed. Therefore the company approached the Australian colonies with the proposition that they would render this telegraphic communication more complete and perfect, if we would give them a subsidy. What we wanted all along was not a telegraphic cable; we wanted the telegraphic messages sent from England to Australia. For that duplicate cable we are now paying, and have to pay for the next 13 years, a sum of £32,000 to this company. I think it might be fairly argued that this is nothing more nor less than a subsidy paid by the colonies to this company, and if it be a subsidy to this company why should not the colonies, if they think that they can get additional advantages, offer a subsidy to another company?

MR. PENDER. I may say in reply, that I think I should be prepared to show that the interruptions were not as great as you have just suggested, but your argument suits me in another way. It is true that we told you with regard to our present line that we could not guarantee its being always at work, and to secure that it would be necessary to duplicate the line, but that we could not afford to duplicate the line because the cable, as it was then in existence, was not fully employed, and we were not getting sufficient money at that time to enable us to lay a duplicate line. But what have we done since? We have duplicated the whole of our system, and we have never come to ask you for a shilling towards it. What are you going to do now? You have got a system duplicated, and in some instances triplicated. You are going to support a company whose undertaking is altogether based upon one line. That line is not to be relied upon any more than our line until it be duplicated—it could not be a certain line without been duplicated—and if they duplicate it, instead of requiring £100,000 from you, they will require double that amount.

MR. SERVICE. Those are considerations, I think, for the Conference to discuss afterwards.

THE PRESIDENT. I must observe that you have introduced them, and I think we must hear Mr. Pender's reply. We do not want an elaborate argument, but it is only fair to Mr. Pender that he should state his views in answer to the question you put—Why, on moral grounds, may not the colonies and the Imperial Government subsidize another new company? But I would ask Mr. Pender to make his answer short, because I think, as regard the moral grounds, we may trust to the Conference duly considering the matter:

**Mr. PENDER.** I will just conclude my remarks by saying, that I do not believe any system of telegraphy in these days can be relied upon unless it is duplicated. Therefore, in any arrangement that you may make, you must look to the duplication of the cable, and look at the cost of that duplication. Our system now is a good one. We have been told that our system is an antiquated system, and that we are paying dividends upon an exaggerated amount. The competing company, so far as I have seen from the papers and so on, points out that our cable cost £300 a mile, and that the competing company will lay down their cable for £200 a mile. The amount that we have spent upon our cables in duplicating or duplexing them stands in our books to-day as under £189 per mile as against £200 per mile which the competing company suggest as the cost for constructing their cable. So that our cables have cost less than is going to be paid for the new line.

**Sir SAMUEL GRIFFITH.** A great deal depends upon these figures, so perhaps I may be allowed to ask another question upon them. You said just now that the £183,228 average annual receipts includes the £36,000 subsidy from the colonies?

**Mr. PENDER.** No, you must have misunderstood me.

**Sir SAMUEL GRIFFITH.** Then you put down £63,900 as "Revenue at 4s. rate based on average of three years"; as I understand, that means the receipts for so many messages at 4s. a word as will make up that amount?

**Mr. PENDER.** Yes.

**Sir SAMUEL GRIFFITH.** But then to that £63,900 you must add the £36,000, the amount of the existing subsidies, and that will bring up your revenue to £100,000; and the amount then to be made up by the colonies would be only the difference between that £100,000, which you would still receive as you do now and the £183,000, so that the deficiency would only be £83,000 instead of £119,000, as it is put down on this paper—that makes a difference of £35,000 in the amount of the guarantee?

**Mr. PENDER.** I have already explained this.

**Sir SAMUEL GRIFFITH.** No, pardon me. You ask that your revenue may be maintained at £183,000; you will receive still the £36,000 guarantee, and you will receive £63,900 for receipts—that makes £100,000. Then there is only £33,000 more required to keep up your income at the proposed rate of 4s. with the present traffic. That reduces the amount to be guaranteed by £35,000.

**Mr. PENDER.** As I have already stated, the £32,000 subsidy forms no part of the figures given in the printed proposal.

**Sir SAMUEL GRIFFITH.** I only wanted to know whether these figures are correct.

**Mr. PENDER.** They are quite correct.

**The PRESIDENT.** We desire, without going too much into detail, to learn generally your views so as to enable the delegates to ask these questions as Sir Samuel Griffith has done, and receive your explanations. Of course it is impossible for us to go fully into the details on these questions, but we wish to get some general information about these figures.

**Sir JAMES LORIMER.** The figures in this paper have quite deceived us, if the answer just now made to Sir Samuel Griffith's question is correct. At the bottom of the page you will see the last column is headed "amount to be contributed in addition to existing subsidies." We find in the calculation you have not included the existing subsidy. If that £63,983 does not include the existing subsidy, the whole of the calculations must necessarily be wrong. I should like to ask Mr. Pender again, whether this amount of estimated receipts at the 4s. rate which comes out at £63,983 does or does not include the existing subsidy? I do not think it can.

**Sir PATRICK JENNINGS.** I understand Mr. Pender to say that the subsidy was put down as part of the ordinary receipts?

**Mr. PENDER.** I have already explained that the subsidy is not included in the figures.

**The PRESIDENT.** I see on this paper under the head of "apportionment of guarantee" the first column states the population of the various colonies, and the second column "existing subsidies paid by Australian Colonies to Eastern Extension

Company," of which the total is given as £36,600. The third column is headed "amount to be contributed in addition to existing subsidies."

Sir GRAHAM BERRY. At the top of the page, the average annual receipts are given as £183,228. That includes, as I understand, amounts received for messages and subsidies?

Mr. PENDER. No, as I have already stated.

Sir GRAHAM BERRY. Then the amount of £63,933 which comes immediately under it, is for messages without the subsidies; that is to say, it is the estimated receipts for so many messages at the 4s. rate?

Mr. PENDER. Yes.

Sir GRAHAM BERRY. Then it is quite clear that if one excludes the subsidy the other ought to exclude it also?

Mr. PENDER. Yes, so it does.

The PRESIDENT. I think we can hardly carry this point any further at this sitting with advantage; because Mr. Pender will have an opportunity after reading Mr. Fleming's paper, and considering what passed to-day, of presenting to us another confidential paper, and he might then deal with the question which has just been raised.

Mr. DODDS. There is one point I should like to have cleared up which has been incidentally touched upon. Tasmania at present contributes £4,200 as a subsidy. Under the second column at the 4s. tariff upon an increase of 25 per cent., she would be called upon to pay on the basis of population, as stated in the first column, another £4,559; that is to say, she would be paying altogether £8,759, as against the contribution of £9,873 which would be paid by the Colony of Queensland, for example, with a population nearly three times as large. What I want know is, whether the £4,200 a year ceases under this proposal, and whether our contribution would be in proportion to population, the whole of the colonies contributing upon that basis? Otherwise we should be paying, according to this calculation a very much larger amount than we ought to be fairly called upon to pay.

Mr. PENDER. The question is not dealt with in the printed proposal, but I have addressed a letter to your Government to the effect that if the general guarantee system were adopted by the other colonies, Tasmania would come in on the same ground as the others come in upon; in other words, we would put aside the old arrangements and include them in the new.

Mr. DODDS. That is what I understand from your proposal as submitted to our Government; but this paper takes up a different position altogether. This paper contemplates a contribution from Tasmania of between £8,000 and £9,000, which is quite disproportionate to our population.

Mr. PENDER. I am quite prepared to make an arrangement for the Tasmanian cable on the same basis as the guarantee scheme.

Mr. DODDS. I wish to put aside the question of increase of traffic altogether and to make this one point clear. Is your proposal this: That the existing subsidy is to cease wholly, and the Australasian group are to come into your scheme and to contribute upon the basis of population, the existing subsidies disappearing, and the now non-contributing colonies (that is to say New Zealand and Queensland) taking their fair share of the burden? Would these existing subsidies, as shown in the second column on this paper, cease altogether?

Sir JAMES GARRICK. Surely that is an arrangement for us to make amongst ourselves.

Mr. PENDER. I have just now stated that if a guarantee and agreement were come to with all the colonies the present arrangements cease with Tasmania, and they all take their share, according to the population, with the other colonies.

Mr. DODDS. Then this paper is inaccurate?

Mr. PENDER. It is not dealt with in the paper.

Mr. DODDS. This paper speaks of the "amount to be contributed in addition to existing subsidies;" we at the present time pay as much as South Australia, which is a much larger colony.

Mr. PENDER. That is more applicable to the bigger sum of £32,000. We have always dealt with Tasmania as apart from the other colonies altogether, You are not mixed up with them at all at present. You are mixed up with them altogether in the new calculation. It is a new departure altogether.

Sir JAMES LOBIMER. If Mr. Pender is going to make a new proposal, I would suggest that he had better make it on the basis of keeping out from his statement all the existing liabilities, and start afresh with a new statement.

Mr. PENDER. With regard to the increase of traffic, as Tasmania has been referred to, I may say that we have had an arrangement with Tasmania for a considerable time by which Tasmania not very long ago undertook a guarantee; and the result was that upon the lowering of that tariff, the Tasmanian traffic increased.

Mr. DODDS. Yes; I as treasurer of the colony made that arrangement with your company.

Mr. PENDER. The tariff was reduced, I think, by one-half, and the traffic increased by a larger proportion.

Sir ARTHUR BLYTH. Would Mr. Pender, as he will doubtless have to lay before the Conference an amended tender, be so good as to put at the foot the maximum amount of guarantee, on the assumption of the existing subsidy being abolished.

Mr. PENDER. The present guarantee is only paid by the Governments of, I think, Victoria, New South Wales, South Australia, and Western Australia.

The PRESIDENT. I doubt whether we shall gain by any further discussion upon this point until we have seen Mr. Pender's paper, as he proposes to amend it. (Hear, hear.)

Mr. SANDFORD FLEMING. I wish to be allowed to ask Mr. Pender this question. You stated, Mr. Pender, the cost of the cable as being £189 a mile. May I ask whether you referred to the whole system or only to the recent Eastern Extension?

Mr. PENDER. I took the Eastern Extension and the Eastern Company. I think the cost of the cables of the Eastern Extension stands some £5 or £6 lower than that of the Eastern Company; but I would be glad to get the exact figures for you.

Mr. SANDFORD FLEMING. I ask the question with a view to getting at the present value of your cables.

Mr. PENDER. I do not know how you could get exactly at their present value. No doubt a cable ten years old is not so valuable as a cable two years old, but we have kept up a very expensive system of maintenance and repairs; and we are constantly adding to our cables. In the case of many of our cables the number of miles added to them has made them almost equal to a new cable. I could give you some illustrations where we have been told, in the Strait Settlements, for instance, that our cable was very often injured by the teredo. I do not suppose there are 300 miles now of that cable which are not protected against that danger; in other words, we have replaced the cable by a new cable.

Mr. SANDFORD FLEMING. Can you tell me how many miles your Eastern Extension embraces at a cost of £184. per mile, which I understand to be your figure for the average cost of Eastern Extension.

Mr. PENDER. I should be very glad to give you an exact answer to your question, if you will give me time for consideration?

Mr. SANDFORD FLEMING. There is just one other point that I should like to get from you. The Eastern Extension is separated from the Eastern Company, as I understand, by India, is it not?

Mr. PENDER. Yes, that is so.

Sir SAUL SAMUEL. It is part of the present agreement, I believe, that both the cables shall be uninterrupted (I am speaking of the cables from Port Darwin to Java). Is not that a condition of the agreement?

Mr. PENDER. The subsidy ceases for every day's total interruption.

Sir SAUL SAMUEL. I think they were for a short time?

Mr. PENDER. Yes, that was so, but not for very long.

Sir CHARLES MILLS. May I ask Mr. Pender whether there is any hope of an early reduction of the rates on the South African line, apart from the condition of the guarantee?

Mr. PENDER. I have made a proposition to the Cape Government, and I am quite prepared to discuss that point; but I am not prepared to make any changes now in any of the rates until I see my way more clearly as to what we are to contend against.

Sir SAMUEL GRIFFITH. I should like to ask you one more question with regard to these figures. In taking this estimate of the revenue at the 4s. rate as £63,900, you are of course taking the traffic to be a little over 300,000 words per annum?

Mr. PENDER. No; 600,000.

Sir SAMUEL GRIFFITH. But in the paper which has also been circulated, and which is headed "Memorandum on the paper by Mr. Henniker Heaton, M.P., in the *Pall Mall Gazette* of 2nd of April, 1887," the telegraph traffic is taken as being 600,000 words. Such a traffic would bring the revenue up to £120,000 from messages at 4s. a word.

Mr. PENDER. I have given a reply to his paper. His paper seemed to me so entirely absurd, that beyond going into the figures, which are all now before you, I treated that paper as not worthy of consideration.

Sir SAMUEL GRIFFITH. I am not commenting at all upon Mr. Henniker Heaton's paper, but I am only pointing out that in your reply to his paper you assume the existing traffic to be not 300,000, but 600,000 words. It will be very important to us in dealing with the subject to know what the existing traffic is.

Mr. PENDER. As I have already stated, 600,000 words.

Sir JAMES LORIMER. That would be 100 per cent. on the present rate.

Sir SAMUEL GRIFFITH. Can you tell us what is the existing traffic?

Mr. PENDER. 600,000 words.

Sir SAMUEL GRIFFITH. Then the existing revenue at the 4s rate on 600,000 words would be over £120,000 instead of £63,000. That would make a further difference of £60,000 in the amount of the guarantee which would be required?

Mr. PENDER. You make no allowance for the outpayments.

The PRESIDENT. Then perhaps, Mr. Pender, you will prepare a paper showing the figures as you propose to amend them, and possibly on a future day you may be asked to attend again.

Mr. PENDER. I shall be prepared to make any explanation at another time, and if any gentleman wishes to go into the figures in this paper narrowly with me, I shall be very glad to go into them with him, and in that way to save a great deal of discussion at this Conference.

The PRESIDENT. I hope the delegates will avail themselves freely of that opportunity.

Mr. PENDER. If any of the delegates will call upon me, I shall be happy to give them all the information I can.

[Mr. Pender withdrew.]

The PRESIDENT. I think it would be right now that Mr. Finch Hatton should make any observations which he has to make, in addition to his paper, with respect to the Canadian Pacific Telegraph Company.

Mr. FINCH HATTON. I should like to say, Sir, in the first place, that one point I observed with regard to Mr. Pender's proposal, is that Mr. Pender binds the colonies in perpetuity to a tariff of four shillings per word. He has told us distinctly that he does not believe it possible that that tariff can ever be reduced. We do not do that. We start by saying it shall be reduced to four shillings, and we hold out very reasonable hopes of a very large reduction in future. That is where we differ at once diametrically from Mr. Pender.

As to the question of the moral right of subsidizing a company, I may point out that Mr. Pender has allowed his line to be subsidized; the duplication of the Eastern Extension was subsidized—it could not be called anything but a subsidy, for Mr. Pender himself describes his debentures as subsidized debentures, and very rightly so.

That re-duplication was made in order to suit the growing requirements of our Empire. I submit now that the further growth of the Empire requires further extension of telegraphic communication.

I have only had an opportunity of listening to the discussion here to-day; and I am afraid, gentlemen, that I shall be going over old ground, for I did not hear Mr. Fleming's paper read, and no doubt he has touched upon the point, but it seemed to me that the main question, since I have been in the room at all events, has not been approached, and that is this: that no duplication or reduplication, or triplication of existing communications in any way meets the case. If the unity of the Empire, which you gentlemen have come so many miles to discuss, is to be anything more than a dream, we must take practical means to carry it into effect. Now no duplication of the Eastern Extension existing system can have any effect upon the Pacific Ocean, and that is the great point which our company are anxious to lay before this Conference—that we shall meet a want that can only be met in that way. The great military authorities are all agreed that in the future our way to the East, in time of war, must be by Vancouver's Island and the Pacific Railway. It is impossible to get the full benefit from that line without having telegraphic communication in the Pacific Ocean. It is a question for this Conference to decide as to whether in the interests of the Empire its facilities for telegraphic communication can be safely allowed to remain in the position in which they are at the present time. No duplication of the existing system can render it secure. It is of all lines the most liable to be interrupted. It passes through many foreign countries, and the transit through Egypt alone is a point of extreme weakness in it.

I believe that physical difficulties have been urged against the possibility of our laying our line, but I think you gentlemen at this Conference will probably say that that is the business of the company and not of the Conference. We have had the best possible expert advice upon the subject, and we are advised that it is perfectly possible to lay a line across the Pacific Ocean, and further than that, we are advised that it will be a line which will be probably very little liable to interruption. The deepest cable in the world which has been laid at the present time is laid at a depth of 2,900 fathoms, and it has never been interrupted in deep water at all. Our expert evidence goes to show that the deeper the cables are laid, the less liable they are to interruption. The deepest cable is from Cape De Verde Islands to Pernambuco, which is at a depth of 2,900 fathoms, and it has never been interrupted at all, though I believe it has been down nearly 14 years.

Now as to the question of subsidy, taking the proposed guarantee system of Mr. Pender, there are several points which he has not cleared up to my mind, though he will, no doubt, do so in the future. Supposing this guarantee system of Mr. Pender were adopted, it cannot be supposed that it will for ever block the construction of the line across the Pacific Ocean. That line must come in the future in obedience to the growth of civilization, and then the colonies will have to consider their position.

It was pointed out to Mr. Pender, by, I think, Sir Samuel Griffith, that it is quite possible that under the proposed guarantee the colonies might be let in for a contribution of £180,000 a year. Mr. Pender met that by saying that he would fix a definite sum, and that the contribution should not go beyond that. But one point which I do not think he has met is this: At the present time he is in receipt of a subsidy of £32,400 a year. That subsidy expires in 13 years; are the colonies to convert that into a perpetual subsidy? Are they to take upon themselves that reduction in Mr. Pender's receipts of £32,400 a year, and make it good to him? Because that would be converting his subsidy, which at present is terminable at the end of 13 years, into a perpetual one. I do not think Mr. Pender touched upon that point; but it is a very serious one to the colonies if they are called upon to pay this sum which yet remains to be fixed. I am glad it is to be a fixed sum, and not one varying with the receipts of Mr. Pender's company, because, I think, we must all see that even if this Pacific telegraph is not accomplished this year or next year, it is a thing that must come in the future, and when it does come the colonies may then find themselves in the position of being bound to make good Mr. Pender's losses to

him. If there should be a loss to Mr. Pender I am very sorry for it, but of course, Sir, monopolies cannot be established for ever, and undoubtedly, as Mr. Pender himself admits, when this line is established it will very materially reduce his profits.

Mr. Sandford Fleming asked a question, I think, as to the length of the Eastern Extension: The length is 2,150 miles.

Sir PATRICK JENNINGS. Between what points?

Mr. FINCH HATTON. Between Bangoe Wangi and Port Darwin. I did not quite understand Mr. Pender as to the cost of the construction. I fancy that Mr. Sandford Fleming's question had reference to the course of construction. That is the longest stretch of unbroken line.

Mr. SANDFORD FLEMING. 2,317 miles I make it. There are two lines, one is 1,186 and the other is 1,131 miles.

Mr. FINCH HATTON. It is a question for the Conference to decide whether they consider this line of sufficient importance to the interests of the Empire from a strategic point of view. That it would pay commercially there can be very little doubt whatever, but of course it is a question for the Empire to say whether it is worth their while to pay us for constructing it. That is the chief point that I have to urge; that no strengthening or subsidizing of existing lines in any way meets the present condition of things; which is, that at the present moment our Imperial communications are in a most unsatisfactory state, and would be found trebly so in the event of war breaking out. Our line would have the immense advantage of being laid in seas where it would be extremely difficult for it to be interfered with by any enemy's cruisers. The difficulty of pulling it up from so great a depth is, of course, enormous—that is admitted. But in addition to that, the Pacific Ocean is not one where very many hostile cruisers would be likely to come in the event of war breaking out; whereas, of course, the Mediterranean would be full of them.

The PRESIDENT. You have nothing to add, I understand, as regards the proposal that appears in the letter of April the 20th, 1887, which has been circulated, and which is as follows:—"The company to lay and maintain a cable from Vancouver Island to Australia, touching at the Sandwich Islands, Fanning Island, Samoa, Fiji and New Zealand. The company to reduce the existing through rates from Great Britain to Australia by at least one-half. The Imperial Government and the Colonial Governments above referred to, to furnish to the company, in such proportions as they may agree upon, a subsidy of £100,000 per annum for twenty-five years; each Government to have during that period the free use of the company's cable for Government messages to the full amount of its proportion of the subsidy at current rates. The company to give Government messages precedence over ordinary messages." Is there any alteration in the terms of that proposal which you would like to lay before the Conference?

Mr. FINCH HATTON. No, but I would like to add this—which ought to have been put in but it was so self-evident, that it was not thought worth while to mention it—that the subsidy should be contingent upon the cable working; that is to say, after a reasonable time—the ordinary time which is allowed for repairs—had expired, the subsidy would be suspended till the communications are established.

Mr. DEAKIN. The subsidy would commence from the date of the communication being established.

Mr. FINCH HATTON. Yes.

Mr. DEAKIN. And in the event of the cable being interrupted for any considerable time, that period is to be deducted from the subsidy.

Mr. FINCH HATTON. Yes.

Mr. DEAKIN. If it were interrupted for a period of three months, for example, that would make one-fourth of the subsidy for that year to be deducted.

Mr. FINCH HATTON. Yes, allowing for a time of grace, which I suppose would be 14 days.

Sir SAMUEL GRIFFITH. When was the Pacific Telegraph Company formed?

Mr. FINCH HATTON. It was formed last November.

Sir SAMUEL GRIFFITH. What is its capital?

Mr. FINCH HATTON. The nominal capital is £2,000,000.

Sir SAMUEL GRIFFITH. Is it subscribed?

Mr. FINCH HATTON. It is not subscribed.

Sir SAMUEL GRIFFITH. It is merely nominal capital? Are the shares allotted.

Mr. FINCH HATTON. No, they are not.

Sir SAMUEL GRIFFITH. How many shares are issued?

Mr. FINCH HATTON. Sixteen shares are subscribed according to the articles of association.

Sir SAMUEL GRIFFITH. Have you any definite information about the soundings in the Pacific.

Mr. FINCH HATTON. We have the soundings of the "Tuscarora."

Sir SAMUEL GRIFFITH. There has been nothing in addition to that, except the soundings of the "Challenger," I think.

Mr. FINCH HATTON. Nothing except the "Challenger" soundings; I believe those are the only ones in existence. That is, from the Sandwich Islands to Fiji.

Sir JAMES LORIMER. Have you made any calculations to see what would be the proportion which each colony would have to pay under this proposal of yours? You say you would expect the Imperial Government and Canada to come into it.

Mr. FINCH HATTON. There has been no calculation made yet.

Mr. DEAKIN. I think you said you left the basis of the distribution to be settled by the colonies?

Mr. FINCH HATTON. We leave that entirely to the colonies.

The PRESIDENT. You throw it upon the Imperial Government also? It is not merely left to the colonies; I observe that the Imperial Government comes in too?

Mr. FINCH HATTON. Yes, I ought to have said it was left to the Empire.

Sir F. DILLON BELL. What is the amount which you estimate would be the cost of constructing and laying the cable?

Mr. FINCH HATTON. It is very difficult for us to give an answer to that at present, because as you know the improvements which are being made in the construction of telegraphs advance so rapidly at the present time that what was correct a month ago would not be so to day. A process has been lately started by which the cost of constructing the cable has been very much reduced.

Sir F. DILLON BELL. But has your company not yet formed any basis upon which you ask for the subsidy of £100,000 a year?

Mr. FINCH HATTON. At the time it was first proposed to form a company estimates were made, and the estimated cost of constructing the line was £2,000,000.

Sir F. DILLON BELL. You are referring, I think, to a time when the company were in communication with the representatives of the respective Australian Governments, are you not?

Mr. FINCH HATTON. Yes, and that includes the cost of two repairing ships, and so on.

Sir F. DILLON BELL. On the estimate of a total cost of £2,000,000 you are asking, are you not, the Imperial Government as well as the Colonial Governments to be parties to the subsidy?

Mr. FINCH HATTON. Certainly.

Sir F. DILLON BELL. Do you propose that these proportions should be agreed upon between the Imperial Government and the colonies?

Mr. FINCH HATTON. We leave that entirely to the Imperial Government and the colonies.

Sir F. DILLON BELL. Supposing that the Imperial Government and the colonies were to take up the construction of a cable at your estimate of £2,000,000, and supposing that they could raise the money to build the cable at 3 per cent. per annum, what would be the cost that would be imposed by that operation upon the Imperial Government and the colonies? Would it exceed £50,000 a year?

Mr. FINCH HATTON. No, if it were raised at 3 per cent. That is, supposing it to cost £2,000,000.



Sir F. DILLON BELL. And if they owned the lines, the interest being £60,000 a year, then the value of the Government messages which they would transmit would come in relief of that £60,000 a year, would it not?

Mr. FINCH HATTON. Yes.

Sir F. DILLON BELL. So that assuming a large amount of Government messages to be counted in as value towards the £60,000 a year which it would cost the Governments in partnership to build the line, it might turn out, according to your estimate, might it not, that the total outlay by the Imperial Government and the colonies in partnership would not be anything like £60,000 a year, deducting the saving on their own messages; is not that so?

Mr. FINCH HATTON. That is so, if they raise the money at 3 per cent.

Sir F. DILLON BELL. Supposing that you were to take this saving on messages at £10,000 a year to the Imperial Government and all the colonies taken together, we might then say, according to your estimate of the total cost to the Imperial Government and the colonies, that it would cost them not more than £50,000 a year to build a line; would it not be so?

Mr. FINCH HATTON. Yes.

Sir F. DILLON BELL. Then I should like you to explain to the Conference upon these assumptions—first, the estimated cost of the line of £2,000,000; secondly, the cost of the interest upon that money by the Governments raising the money in partnership; and thirdly, the saving which would be effected by passing Government messages over the line; why we should give £100,000 a year subsidy to your proposed company.

Mr. FINCH HATTON. If the Imperial Government and the Colonial Governments are willing to take it in hand as a joint Government work themselves, there is not the slightest reason why they should give a subsidy to anybody.

Sir F. DILLON BELL. But the object that I had in asking you the question was to bring out, if I could, why we should give an extra £50,000 a year for the formation of a private company. Do you estimate that the cost of maintenance and the expense of the company and a fair profit ought not to cost less than an additional £50,000 a year?

Mr. FINCH HATTON. Of course a company cannot borrow money anything like so cheaply as the Government can. We should have to pay more for our debentures, and we could not raise money at 3 per cent.

Mr. SERVICE. I understand that a portion of your proposal is that the Governments of the various contributing colonies and the Imperial Government would be able to send messages free up to the amount of their contribution?

Mr. FINCH HATTON. Certainly.

Mr. SERVICE. Have you thought out at all what the effect would be upon the working of your lines? Because I have no hesitation in saying that each Government would send messages up to the full extent of their contribution. Have you taken into consideration in the working of the cable? The result of it would be, of course, that messages of interest, and lengthy messages as between England and the colonies, would be sent every day. It would have an enormous influence in uniting together the dependencies and the mother country; but have you considered the question in view of the practical working of the cable?

Mr. FINCH HATTON. We have, and we hope to be able to send not only messages up to the amount of the Government subsidy and our own besides, but a very much larger number, and to realize very great profits. Of course I am not an expert in this matter, and I only take the opinions of experts, who tell me that it could be done.

The PRESIDENT. Can the Australian Colonies do that under Mr. Pender's £32,000?

Mr. SERVICE. Yes. We have a small reduction of one-fourth, I think, on the common rates; but we are not allowed to work up to the subsidy.

Sir ARTHUR BLYTH. We get that discount off all our messages, but the £32,000 is a subsidy for a special purpose of a duplicate cable.

The PRESIDENT. You put the capital necessary for laying the line at £2,000,000. I see that Mr. Fleming, perhaps at an earlier date, put it at £2,500,000.

Mr. FLEMING. That is for a complete system from England to Australia.

Sir WILLIAM FITZHERBERT. May I ask if your company is willing to agree to the condition, that the contributing colonies should at any time have the right of purchasing the cable?

Mr. FINCH HATTON. That question we have not taken into consideration.

Mr. DEAKIN. It all depends upon the terms. I have no doubt that you would do it upon certain terms. It is a question of what terms you will do it upon, not whether you will do it?

Mr. FINCH HATTON. No doubt.

The PRESIDENT. Some contracts are taken with the power of purchasing.

Mr. DEAKIN. It certainly would be necessary in such a case as this, if the agreement was entered into, that there should be such a power.

Sir PATRICK JENNINGS. You spoke just now of the surveys of the "Challenger" between Fiji and Hawaii?

Mr. FINCH HATTON. That was to the north of Hawaii.

Sir PATRICK JENNINGS. You said from Hawaii to Fiji?

Mr. FINCH HATTON. I should have been more exact; I was speaking generally of the route.

Sir PATRICK JENNINGS. Have you any idea of the sea bottom which, I understand, is surveyed between the Sandwich Islands and the Fiji Island to the Navigator Islands?

Mr. FINCH HATTON. It is most favorably reported upon by the "Challenger." The report is mud, and sand, and ooze, almost the whole way. I think there were only two soundings that touched coral.

Sir PATRICK JENNINGS. I call attention to that, because I do not see any mention of it in your statement. We are told that the largest span is unsurveyed.

Mr. FINCH HATTON. The span between Vancouver Island and Hawaii is unsurveyed; but between San Francisco and Hawaii it has all been surveyed and reported upon most favorably by the "Tuscarora." The "Challenger" has surveyed directly to the north of Hawaii, and the report is most favorable, so that there is very strong presumptive evidence that the bottom is the same between Vancouver Island and Hawaii.

Sir PATRICK JENNINGS. The longest stretch of your cable is about 2,700 miles, is it not?

Mr. FINCH HATTON. It is about 2,700 miles.

Sir PATRICK JENNINGS. From Vancouver to Honolulu it is 2,800 miles.

Mr. FINCH HATTON. In my answer to Mr. Pender I mentioned the various distances along the whole line.

Sir PATRICK JENNINGS. That would be about the same length as the present Atlantic cables?

Mr. FINCH HATTON. It is 300 miles longer.

Sir PATRICK JENNINGS. Some of them are 2,600 miles. I see that there are nine cables there. Do you propose to have also a cable of your own across the Atlantic?

Mr. FINCH HATTON. No; at present we do not contemplate that. We are in a position to make very favorable arrangements with existing lines.

[Mr. Finch Hatton withdrew.]

The PRESIDENT. I suggest that before we turn to the consideration of postal questions, the Conference would allow me to read a paper, drawn up by Mr. Ken. which refers to one of the questions which was raised on Tuesday, the 19th of April.

Mr. FLEMING. Before you read that paper, Sir, I should like to submit some remarks upon the telegraphic question. Knowing that this subject was coming up to-day, I prepared a few suggestions which I wish to submit to the Conference.

In the remarks which I was permitted to submit to the Conference on the 20th instant, I confined myself to showing how important to Australasia, and to the Empire, is the establishment of an alternative telegraph line between the mother country and her great southern colonies. I attempted to demonstrate the facility with

which such a line could be secured by taking advantage of the works which Canada has carried out. I touched upon the enormous advantages which such a route possessed owing to its geographical position. I alluded to the important fact that the cables would be laid in deep water, and would therefore be free from natural enemies, and much more secure from the attacks of hostile vessels. I referred to the commercial and political advantages which it offered in binding together the most important of the colonies, and bringing into circuit nearly all the remote and outlying possessions of the Crown. If these points be satisfactorily established, it will become a matter of importance to consider how such a work can best be carried out.

Such undertakings as the one in question have hitherto been accomplished by private companies subsidized by Government; and there cannot be much doubt that the Pacific cable might be manufactured, laid, maintained, and worked by a private company, aided by a reasonable subsidy, so as to give a fair return to the owners while securing to the public greatly reduced charges.

It may, however, be asked, is there no better means of securing even more fully than through the medium of a private company, all the benefits which the new line would confer?

The one other way is for the interested Governments themselves to undertake the work, and I think it can be clearly shown that the desired results can in this manner be more satisfactorily and more cheaply obtained. In this opinion I am greatly strengthened by a memorandum submitted by the representatives of New Zealand, and yesterday placed in the hands of members of the Conference. The memorandum to which I refer has been prepared by the Postmaster General of New Zealand, and bears date, 5th February, 1887. In much which it contains I cordially concur.

I think I am correct in stating that some 13 years ago all the telegraphs in India were handed over to the Government, and have since then been managed by a department under the central authority. I believe it is found that the system works well and that the public are better served than they were before by private companies, for the reason that the public interests only are looked to under the new management, while private companies very naturally regard their own interests as paramount.

It seems to me most desirable that all cables communicating with Australasia, and all telegraphs within the Australasian colonies themselves, should be under one management. How this may be accomplished is a problem which, I venture to suggest, is well worthy the attention of the Australasian Governments. At the same time, I submit that it cannot be regarded with indifference by the Imperial Government or by Canada. I do not know what are the functions of the Australasian Federal Council, but possibly these functions could be extended so as to embrace the general control of telegraphs.

It would not be at all necessary for the Australasian colonies to control the cables all the way to England. It would be quite sufficient that they should control the cables proposed to be laid to Vancouver, on one side, and, on the other side, that portion of the existing system which extends from Australasia as far as India, embracing the lines of what is known as the Eastern Extension Company. It would be convenient to stop at India, as India separates the lines of the two companies, the Eastern Extension and the Eastern Telegraph Company. The Colonial Governments could not, of course, expropriate that which is private property, but possibly some arrangements, mutually fair, both to the public and to vested cable interests, could be reached, by which the desired result would be obtained. It is obvious that a comprehensive scheme, such as that suggested, could not be carried out without much consideration and negotiation, especially with regard to the manner in which the capital required should be raised, and the proportions in which it should be borne by each separate Government. But I am unable to see that the general scheme is at all impracticable. It would only be carrying out in a wider field the system adopted with so much success in India and in England with respect to the telegraph service. In endeavoring to effect such a joint arrangement, there are certain leading principles which might be considered.

1. It would be necessary for each of the colonies to agree to hand over to the central authority their respective telegraph systems, retaining a pecuniary interest in revenue in proportion to the value of the works handed over.
2. The establishment of the new cable across the Pacific would require new capital, which might be raised possibly on the joint guarantee of the colonies and the Imperial Government, as in the case of the Intercolonial Railway of Canada. By such means the money could be obtained at the very lowest rate of interest, and for several reasons it would not be necessary in the first instance to lay more than a single Pacific cable. The scheme embraces the control of the Eastern Extension lines, and hence the line from Vancouver to Australia would really give a triplicate service from Australia to England. Moreover deep water-laid cables are not liable to the same interruptions as shallow-water cables. In proof of which I may mention that the telegraph from Lisbon across the Atlantic to South America, for the first ten years of its existence, depended with great success on only a single line of cable throughout its entire distance. These cables were quite recently duplicated to meet the demands of business.

The capital required to lay a single cable to Vancouver, from the Australasian system, reckoned at the low rate of interest at which money could be obtained, would, I estimate, involve a charge of less than £50,000 a year.

3. New capital would likewise be required to purchase the lines of the Eastern Extension Company, whenever that company would be willing to sell at a fair value. This capital would also be obtained at a low rate of interest, and thus the whole connection between India, Australasia, Canada, and Great Britain could be most economically established, and it would become practicable to reduce charges on messages to the lowest possible tariff rates.

As the cables of the Eastern Extension Company would be acquired largely in Imperial interests so as to give an alternate line independently of the Suez route to India, China, and Africa, it is reasonable to assume that the Imperial Government would render every assistance in securing them. I have said that it would not be necessary for the proposed Central Telegraph Department to control cables or wires east of Vancouver. I do not think there would be any risk of the management being debarred at any time from the advantages of cheap telegraphy from Vancouver to England. I feel quite warranted in saying that the Canadian Pacific Railway Company would be willing to enter into an agreement, for a long term of years, to transmit Australasian messages at the low rates which I mentioned to the Conference on a previous occasion.

I have not cumbered these remarks with calculations. I have purposely avoided them, and referred only to principles. If the principles be sound, as I believe they are, and the scheme commends itself to the judgment of the Conference, an important step will be gained.

### III.—5.

FRIDAY, 6th May, 1887.

#### *Present :*

The Right Hon. Sir Henry T. Holland, Bart., G.C.M.G., Secretary of State for the Colonies, President.

The Right Hon. the Earl of Onslow, Under-Secretary of State for the Colonies.

The Right Hon. Lord George Hamilton, First Lord of the Admiralty.

Admiral Sir Arthur W. A. Hood, K.C.B.

Vice-Admiral Sir Anthony H. Hoskins, K.C.B. } Naval Lords to the Admiralty.

The Hon. R. H. Meade, C B } Assistant Under-Secretaries of State for the Colonies.  
 Mr. John Bramston, C. B. }  
 Captain G. S. Clarke, R.E., Secretary to the Colonial Defence Committee.

**Representatives:**

**Newfoundland:—**

Sir Ambrose Shea, K.C.M.G.

**Canada:—**

Sir Alexander Campbell, K.C.M.G., Lieutenant Governor of Ontario.

Mr. Sandford Fleming, C.M.G.

**New South Wales:—**

Sir Patrick Jennings, K.C.M.G., late Premier.

Sir Robert Wisdom, K.C.M.G., formerly Attorney General.

Sir Saul Samuel, K.C.M.G., C.B., Agent General.

**Tasmania:**

Mr. John Stockell Dodds, late Attorney General.

Mr. Adye Douglas, Agent General.

**Cape of Good Hope:—**

Mr. Jan Hendrik Hofmeyr.

**South Australia:—**

Sir John William Downer, K.C.M.G., Premier.

Sir Arthur Blyth, K.C.M.G., C.B., Agent General.

**New Zealand:—**

Sir Francis Dillon Bell, K.C.M.G., C.B., Agent-General.

Sir William Fitzherbert, K.C.M.G., Speaker of the Legislative Council.

**Victoria:—**

Mr. Alfred Deakin, Chief Secretary.

Sir James Lorimer, K.C.M.G., Minister of Defence.

Sir Graham Berry, K.C.M.G., Agent-General.

Mr. James Service, late Premier.

**Queensland:—**

Sir Samuel Griffith, K.C.M.G., Q.C., Premier.

Sir James Garrick, K.C.M.G., Q.C., Agent General.

**Western Australia:—**

Mr. John Forrest, C.M.G., Commissioner of Crown Lands.

Mr. Septimus Burt.

**Natal:—**

Mr. John Robinson.

Mr. W. A. Baillie, Hamilton, Secretary to the Conference.

The PRESIDENT. Now, I believe Sir Alexander Campbell wishes to renew the discussion on the subject of the submarine telegraph from Canada to Australia, and I will call upon him to address the delegates.

Sir ALEXANDER CAMPBELL. In the circular which Mr. Stanhope sent to the Governments of the various colonies, asking the Conference to assemble, it was mentioned that one particular subject of importance was the consideration of the postal and telegraphic communications as a means of birthing the Empire together; and also, I think, Sir, in your opening address to the Conference, that matter was alluded to. The subject has been discussed, it may very likely be thought, at sufficient length, but when Mr. Raikes addressed the Conference, he said that he desired, and I think you, Sir, also desired, that some record of the views of the Conference should be placed upon the paper, so that the Government might know what the various representatives of the colonies felt on so important a subject.

I rather waited before bringing the matter up again until we had the benefit of being able to read the paper which Mr. Pender said he would send to us in consequence of, or in answer to, the paper read by Mr. Fleming. That paper has not yet come, I understand.

The PRESIDENT. I have Mr. Pender's paper upon the Eastern Extension here. Would you wish that to be read first?

Sir ALEXANDER CAMPBELL. No, I think not just now. I was waiting until that paper came before bringing the matter before the Conference again. Although the paper had not been sent, so far as I knew, inasmuch as the meetings of the Conference were almost at an end, I thought it very desirable to bring the subject before the Conference again to-day, so that the views of the Conference upon the matter should be left on record.

I take it for granted that nothing can be more important to the Empire than the completion of an intercolonial communication all through Her Majesty's dominions by a line which goes through very little besides Her Majesty's dominions, and is not exposed in any way, except, perhaps, at one point, as I understand Mr. Pender's view. The line goes for the most part across the wide oceans which are peculiarly under Her Majesty's safeguard, which always have been so in history, and which most likely always will be so, and where the communications by this route do not go under the wide oceans, they go over Her Majesty's possessions, that is to say, over Canada.

We consider that by taking advantage of the telegraph line from the Atlantic Ocean at Halifax to the Pacific Ocean at Vancouver's Island which we Canadians have established without any help from Her Majesty's Government or any reference to them, the Governments of the various colonies of the Empire will be lending the most valuable assistance to that which we all have in view, and which the members of Her Majesty's Government have repeatedly expressed their desire to see brought about, as it is undoubtedly the desire alike of Her Majesty's subjects residing here in Great Britain and of Her Majesty's subjects residing all over the world—that is to say, a closer connection of the various component parts of the Empire—we think we have afforded the best means of doing by opening the line of railway telegraph across the Continent of America. We have placed it in the power of Her Majesty's Government in Great Britain to draw closer those bonds by the most important of all ties, the ties of speedy communication, the ties of interest, and the ties which spring from the opportunities of making communications from one end of Her Majesty's dominions to the other by telegraph lines almost entirely within the control of Her Majesty's subjects. These we think are the most important means which could be resorted to for drawing closer those bonds between the different parts of the Empire which we all value so much.

Although we may not be able to do anything at present, it would be worth very much, with the view of establishing these lines of communication hereafter, if the Conference were to express their views upon this subject.

I have promised, Sir, not to occupy much time, and I do not desire to do so. I take it for granted that everybody admits the importance of this line of communication to the Empire. (Hear, Hear.) The using for the benefit of the Empire of what Canadians have done remains to be accomplished. As far as Canada is concerned, I think everybody must admit that we in Canada have done our share, and more than our share (hear, hear); that we have given the facilities of carrying out such a scheme, and that the work may be done hereafter if we all agree that it ought to be done.

I have drawn up a memorandum, which I think might be taken as expressive of the views of the Conference. I should be very sorry to be thought to be committing the Conference to anything, or, indeed, suggesting any idea which the members might not agree to without hesitation, but I think they will heartily agree with the views expressed in this memorandum.

The first resolution which I propose is this:—

"That the connection recently formed through Canada from the Atlantic to the Pacific by railway telegraph opens a new and alternative line of Imperial communication over the high seas and through British possessions which promises to be of great value alike in naval, military, commercial and political aspects." (Hear, hear.)

I think these are truisms which we can all agree in, and I think it would be useful hereafter to have such an expression of agreement. I would ask those gentlemen who are interested in, I do not mean pecuniarily, but who take an interest

in the line already existing, Mr. Pender's line, to bear in mind that I refer in this memorandum to this new line as an "alternative line." We have no desire nor is it suggested to take action in any way against Mr. Pender's line, or to substitute this line for it, but we think that a new line might well be adopted for the safety of the Empire and the benefit of our fellow-subjects.

The second resolution is this:—

"That the connection of Canada with Australasia by direct submarine telegraph across the Pacific is a project of high importance to the Empire, and every doubt as to its practicability should without delay be set at rest by a thorough and exhaustive survey." (Hear, hear.)

This is put in because of the difficulty that was raised as to the possibility of having a line of communication across the Pacific. We had an opportunity, as my friend Mr. Fleming said, of consulting the surveys made by the officers of the "Challenger," and previously by the officers of the "Tuscarora;" and notwithstanding what he said (and Mr. Fleming is exceedingly competent to give an opinion upon this subject), the view expressed by him as to the depth of the ocean needs to be confirmed by an exhaustive survey.

Canada proposed two or three years ago to assist in a survey there. The difficulty which the Admiralty urged was that they had no vessel to spare, and therefore they could not do it. Canada had several vessels of her own, and she found a suitable one, the "Alert," an excellent ship for the purpose which she had been using in connection with observations which she had been making for a couple of years as to the time Hudson's Bay was open every year for navigation. She offered the "Alert" for the purposes of the survey, and in that way she seemed to have answered completely the difficulty raised by the Admiralty. Canada wrote over to the Admiralty telling them that she had a suitable vessel; and then they would not do it at all. Then we, and when I say we I mean Mr. Fleming and a friend of his, offered to pay half the expense. Still the Admiralty would not do it, and there the matter stopped.

But certainly, if there is any doubt about the depth of the ocean, the doubt should be removed. I think the Conference might all readily express, in the way I have put it here, or in any other way they prefer their opinion of the value of such a communication as the Pacific line would give, and the necessity of finding out if there is any difficulty in creating such a line.

Those are the views with which I have brought this subject again before the Conference. Mr. Fleming, who is very familiar with these topics, has also some remarks which he would desire to make. If the Conference should be of opinion that those remarks should be shortened, I am quite sure Mr. Fleming will shorten them, because our only desire is to obtain from the Conference an expression of their views, which we value very highly, and which we think might be very useful hereafter. (Hear, hear.)

MR. FLEMING. I quite concur in what Sir Alexander Campbell has so well said with regard to this matter; and while I cannot but regret taking up time at the close of the Conference, I trust I may be pardoned for venturing to add a few words on the general question of establishing telegraphic connection between distant portions of the Empire.

The importance of the question appears to be generally recognized.

1. It is one of the few subjects specially referred to in the circular of Mr. Stanhope, of date 25th November last, inviting the several Colonial Governments to take part in this Conference by sending representatives.

2. It is one of the questions to which great prominence was given in the opening address of the president.

3. When the matter was first discussed, on the 20th ultimo, the Postmaster General gave utterance to his broad and sympathetic views, and suggested that the Conference should not break up without expressing in some way a decided opinion in favor of the general policy of connecting telegraphically the great self-governing colonies on the Pacific; and he indicated, as one of the possible results, a perfect

revolution in the communication between the Australasian Colonies and the mother country.

4. On the same occasion members of the Conference representing South Australia, Queensland, the Cape of Good Hope, Victoria, New South Wales, and New Zealand, expressed generally their warm sympathy with the objects aimed at; indeed, I failed to learn that there was a single gentleman present who did not recognize that, in the interests of the Empire, the question is one which is well worthy of the greatest attention.

There were, however, one or two points raised which I trust I may be allowed to refer to.

Some doubts were expressed as to the practicability of connecting Canada with Australia by a direct telegraph. I do not propose to refer to the statement made by Mr. Patey as to the depth of the ocean, beyond saying that that gentleman has intimated to me that he was in error. I have asked Captain Hall, who was attending the Conference a few days back, to be good enough to furnish all the information in the possession of the Admiralty on this point; and I have no doubt he will confirm the statements submitted by me, as the officers of the Admiralty can, I believe, only look to the same sources as I did for the information which I laid before you, viz., to the soundings made by the "Tuscarora" and the "Challenger" expeditions. It must be admitted, however, that the known facts regarding the Pacific are somewhat meagre, and it is really a matter of very great importance that every doubt should be set at rest by having a proper nautical survey made with the least possible delay.

Another point was raised by Sir John Downer, viz., that the Colony of South Australia had, with great enterprise, spanned the continent from south to north with telegraph wire; that this line was a benefit to all the Australasian Colonies; that it was established at the sole expense of South Australia; that it is maintained by that colony at a loss; that the inevitable result of a new telegraph across the Pacific would be to increase the loss; and, in consequence, while the other colonies would gain by the new line, South Australia, in a pecuniary sense, would suffer.

Again, it has been felt that not a little consideration is due to the private company, the Eastern Extension Telegraph Company, which has, with commendable enterprise, provided such cable communication as the whole Australasian Colonies now enjoy.

For my own part I fully recognize both claims, while, at the same time, in view of vital Imperial and colonial interests, I regard the connection of Canada and Australasia telegraphically as an absolute necessity.

The problem which is presented to us is to harmonize all interests as far as it is possible to do so; and I venture to remark that, to my mind, its solution lies in the direction indicated in the remarks submitted at the close of the discussion on the 27th ultimo; and I gather, from observations which have fallen from several members of the Conference, that the views then set forth are not unworthy of the serious attention of all concerned.

The proposal is to bring all telegraph lines, constructed and to be constructed, east and south of India, and west and south of Canada, eventually under Government control. This appears to be the general idea of the Postmaster General of New Zealand in his memorandum; and I can scarcely think that the time has not arrived when the matter should be considered, not as a commercial question simply, but as a question of Imperial importance in a naval, military, and political aspect.

I find that the length of telegraph lines in the several colonies, as given by Mr. Charles Todd, a gentleman who has been long and intimately associated with telegraphy in Australasia, was in the year 1884 as follows, viz.:-

	Miles.
Victoria.....	4,020
New South Wales.....	9,756
South Australia.....	5,292
Queensland.....	6,979



	Miles.
New Zealand.....	4,264
Tasmania.....	1,133
Western Australia.....	1,905

Total..... 33,349

and that the total revenue in that year was £527,734.

According to the same authority, the average cost appears to be £108 per mile; so that the whole cost of the 33,349 miles may be stated at £3,600,000.

The Eastern Extension Company's lines embrace, in all, 12,035 nautical miles of cable, and it will be remembered that Mr. Pender stated before the Conference that the cost per mile was £184. The whole 12,035 miles, reckoned at that rate, amounts to £2,214,440; but if that be the first cost, the present value, owing to depreciation of the cables, must be considerably less, for I find that about 6,600 miles, or more than half the whole length of cable owned by the company, has been laid from eleven to seventeen years. The actual dates when the cables were laid, and the periods they have been submerged, are as follows:

Laid in	now submerged	18 years	Miles.
Laid in 1869, now submerged 18 years.....			180
do 1870	do	17 do	2,409
do 1871	do	16 do	2,724
do 1876	do	11 do	1,283
do 1877	do	10 do	864
do 1879	do	8 do	2,444
do 1880	do	7 do	529
do 1883	do	4 do	920
do 1884	do	3 do	502
do 1885	do	2 do	180

Total length..... 12,035

The length of cable to connect Canada with the existing telegraph system of Australasia is placed at 7,600 miles, which, computed at £184 per mile (the first cost of the Eastern Extension cables, as stated by Mr. Pender), amounts to £1,398,400.

From these data we may estimate the first cost of all the cables and land lines between Vancouver and India as follows:—

New Pacific cable, say.....	£ 1,400,000
Australasian land lines, say.....	3,600,000
Eastern Extension, say.....	2,220,000

Total.....£ 7,220,000

Looking at the large revenue from the Australasian land lines, it may be assumed that, taken as a whole, they pay working expenses and maintenance. It may not be necessary, therefore, to consider these lines in dealing with the question of new capital. If we eliminate the Australian land lines there remains £3,620,000 as the united cost of the new Pacific cable and the Eastern Extension system. To this amount should be added the value of repairing ships, stations, and other minor matters; and there ought to be deducted an allowance for depreciation of the existing cables. There may be various opinions on both points, but there can scarcely be a doubt that the round sum of £4,000,000 would be amply sufficient to cover every cost necessary to establish the Pacific line and buy out the Eastern Extension Company's property on fair and reasonable terms.

The interest on £4,000,000 at 3 per cent. is £120,000 per annum; but it will be obvious that the purchase of the Eastern Extension system would bring with it large subsidies, which would considerably reduce the interest charges. These subsidies are as follows:—

Tasmanian cable subsidy.....	£ 4,200
Malacca cable subsidy.....	1,000
Australian duplicate cable subsidy ..	32,400
Manilla cable subsidy.....	2,000
Tonquin cable subsidy.....	10,600
Macao cable subsidy.....	500

Total subsidies.....£ 56,700

As the Hawaiian Legislature has passed an Act offering \$20,000 a year to promote the establishment of telegraphic connection with America, that sum may be considered available as a subsidy in connection with the Pacific cable, making the total subsidies £50,700. If we take this sum as an asset, and deduct it from £120,000, it leaves a balance of only £59,300 a year to be met by the united Governments.

This estimate shows that the sum of £120,000 per annum would be required to meet the interest when all the subsidies run out; but as the larger portion of the subsidies will not expire until the end of the century, it is reasonable to expect that business will then be so enormously increased as to admit of paying all interest charges largely, if not wholly, out of revenue. In the meantime, the comparatively small sum of £59,300 would be sufficient to accomplish all that is desired.

I have assumed the cost of the new Pacific cable and the value of the cables of the Eastern Extension Company together to come to £1,000,000, but, according to the opinion of some experts, that estimate is too liberal. It is held that if proper allowance be made for the depreciation of the existing cables £3,000,000 would be nearer the proper value of the two systems. If a capital of £3,000,000 suffice for all purposes, the interest at 3 per cent. will be £90,000, from which if we deduct the total subsidies—£60,700—there will remain a balance of only £29,300 per annum to be provided.

Thus an annual payment ranging from £29,300 to £59,300, in addition to the existing subsidies, would establish the Pacific cable and provide for taking over all the cables of the Eastern Extension Company. Even the maximum annual payment could not be considered burdensome divided in equitable proportions among the ten Governments more or less interested, viz, the Governments of Great Britain, India, Canada, Queensland, New South Wales, Victoria, South Australia, Western Australia, Tasmania and New Zealand.

As the existing colonial subsidies, amounting in all to £36,600, are paid by five only of the ten Governments interested in the larger scheme, it appears to me desirable that an arrangement should be effected by which these subsidies would be extinguished and the new capital provided on a financial basis, by which all the interested Governments would contribute in equitable proportions.

A scheme of this kind, by which all the telegraphs may be consolidated and brought within the management of one Department under Government control, could of course only be carried out by the co-operation of all the Governments concerned; but I venture to submit that the subject is one which claims earnest consideration. The scheme outlined, if carried into effect, would bring Canada within electric touch of Australia and New Zealand; it would establish an alternative line from India and Australasia to England removed as far as possible from the theatre of every European complication and struggle that may arise; it would bring down charges on the transmission of messages to such moderate rates as would greatly facilitate intercourse and enormously develop business between Australasia, Canada and the mother country; it would meet the case of South Australia, and enable that colony to participate in the general advantages to be conferred on all the colonies; and it would remove all reasonable objections on the part of the Eastern Extension Company. In the event of that company being disinclined to reduce its present high charges and enter into competition with the new line, it would have the option to hand over all its property and receive for it its fair and full value.

If, however, the Eastern Extension Company determine to reject such reasonable proposals, the amount of capital to be provided will be so much the less, and it

will become a very easy matter for the Governments concerned to carry out the essentially important work of connecting Canada and Australasia telegraphically.

The PRESIDENT. Having heard the statements made by Sir Alexander Campbell and by Mr. Sandford Fleming, may I take it that the general assent of the delegates is given to the following propositions put forward by Sir Alexander Campbell?

First, that the connection recently formed through Canada from the Atlantic to the Pacific by railway and telegraph opens a new alternative line of Imperial communication over the high seas and through British possessions, which promises to be of great value alike in naval, military, commercial and political aspects.

Secondly, that the connection of Canada with Australasia by direct submarine telegraph across the Pacific is a project of high importance to the Empire; and every doubt as to its practicability should, without delay, be set at rest by a thorough and exhaustive survey. (Hear, hear.)

Sir ARTHUR BLYTH. I wish, in the first place, to express my regret that the Premier of the colony of South Australia is unavoidably absent this morning from causes which are pretty generally known—he is seeing his wife and niece embark at Tilbury to-day.

I may say that South Australia has no objection whatever to cables of any sort. Her sole objection is to an Imperial subsidy being given to a cable, such subsidies not having been afforded to cables that are in existence. I hardly need point out the objection which would follow the adoption of a contrary course. If the Imperial Government were to promise subsidies, we should have companies brought out continually. We do not object to competing cables, we only ask that they should be left, as we were left, to their own resources.

Australia is very much indebted to the Canadian delegates, and I desire to express my thanks to them on behalf of South Australia for having brought this matter forward, because it has brought from the Eastern Extension Company some offer, which may be made even more liberal, and which all tend to advance the general interests of Australia. I merely wish to say that we do not object to any cables at all; we object to subsidies being given.

The PRESIDENT. So far as the Imperial Government is concerned, I understand that these resolutions are entirely framed so as to keep clear of any question of subsidy (hear, hear), and that they were a general assent to the importance of communication between Australia and Vancouver (Hear, hear.)

Sir SAMUEL GRIFFITH. And the survey.

The PRESIDENT. The survey; but there, again, it is fortunately left in the dark at whose expense the survey is to be made. The resolutions are intended to be quite general; otherwise, of course, I could not put them to the Conference.

Mr. SERVICE. We feel that England has got the ships, has got the men, and got the money too; and the impression is that you would come somewhat to our rescue in the matter of this survey. Probably it could be done at very little extra outlay. However, that is left entirely open.

With regard to the remarks that have been made by Mr. Fleming, it is impossible to contribute a new idea after any subject of this sort has passed through his thoughts; and this paper and the previous one have submitted the whole question to us very clearly and distinctly. But I must say that the form in which he has put it to-day has, in my opinion, brought the whole subject within the range of practical working out. To my mind, now, in thinking over the figures that Mr. Fleming has submitted (of course, I take them as he gives them to us, without having had an opportunity of scrutinizing them in any way), it appears, if his figures are correct, that, so far as Australia is concerned, a movement in the direction of laying a cable across the Pacific would be not only most important and valuable (that we all recognize), but would become comparatively easy; because I take it that if what he himself hinted at as one alternative in giving us his figures, namely, that the present subsidy paid by the Australian colonies would be extinguished before this new arrangement was constructed—if, I say, that alternative came into operation, then it appears to me that the Australian colonies

would get the benefit of the new cables, and the benefit of any arrangement which might be made by the Eastern Extension Company, without the contribution of an additional penny to what they are now paying, or, at all events, very little more. It is not worth while discussing this matter in the light of the sixpence and the shilling, but it appears to me that the figures which Mr. Fleming has submitted show that the matter is not a mere castle in the air, something that cannot be secured without great outlay and great expense, but that there is something that is at hand, and can be availed of without any unnecessary delay.

We contribute at present £40,000 amongst the Australian colonies to the Eastern Extension Company, whereas the figures shown by Mr. Fleming would almost go to show that the proportion which Australia would be required to contribute would not much, if at all, exceed that amount. If that be the case, I would strongly recommend to the delegates from Australia, especially those from my own colony of Victoria, that this matter should be made a live subject as soon as they go back to the colonies, and that it should be discussed in view of the figures, which, of course, they will all take care to verify and submit, at a very early date, not only to popular opinion, but to Parliamentary approval.

I think there are one or two principles that we ought to agree upon. The first is this: that I think the chance of a new Pacific cable being subsidised by the colonies is a thing which is out of the question altogether, especially in the face of the figures that Mr. Sandford Fleming has read to us. For the colonies to bind themselves for 25 years to pay even their proportion of that amount would be exceedingly foolish, in view of the fact that by becoming themselves the owners of all these lines, both eastern and western, the probability is that they would pay not more than they are paying now for the Eastern Extension line, and certainly they would pay nothing at all, or a very small amount, for the Pacific line in comparison with that which the new Canadian Pacific Company propose, that is, £100,000 a year for twenty-five years. Of course there are a great many difficulties in the way, and one of the principal difficulties, perhaps, would be the way in which this was to be worked, but that would be easily got over as a matter of business.

I feel that this is a very important work needed, and the more you think of it the more it grows upon you. As Mr. Fleming has shown, it would affect us materially, but I think he also left out of consideration the fact that there is a sentiment involved in this sort of thing. Canada seems to lie at the outer rim of the circle, as it were, amongst the British dependencies. In this case she would become almost the head centre. (Hear, hear.) I use the term in a very pleasant sense. I desire to express myself individually as a strong supporter of the proposal that the Government should take the matter up and work it on their own behalf. (Hear, hear.)

The PRESIDENT. I think we could not go into a discussion about figures. (Hear, hear.) I should deprecate such a discussion.

I have to read a letter which Mr. Pender has sent me with regard to the Eastern Extension Company. Of course it will be printed and circulated.

Sir WILLIAM FITZHERBERT. The question is a very important one, and its importance grows upon my mind. When I remember that Canada has a seaboard on the Pacific of 600 miles, and that this is a proposal to, as it were, complete the great national work which they have done, I think that the importance of the subject cannot be over-estimated. I entirely agree with the proposal which has been put forward by Sir Alexander Campbell, and I hope, as I believe, so far as I can gather the opinion of the Conference, that we have one mind in that respect, that is to express a general consensus of opinion favorable to it. (Hear, hear.)

Sir SAMUEL GRIFFITH. I should like to add one word if I may. I quite agree that the project which has been brought forward by Sir Alexander Campbell and Mr. Fleming is one which is probably practicable, and it is one of very great importance; but the first essential is to know what the bottom of the sea is like, and whether a cable can be laid practically. The matter is one which will press itself upon our consideration very soon. I hope that some steps may be taken, and I hope that the delegates will join in impressing upon Her Majesty's Government the importance if

they can either of undertaking the survey of the Pacific or of assisting us in that survey; because it is quite clear that until we know how far that cable can be laid there, it is idle to consider the conditions upon which we should undertake to lay it.

Sir PATRICK JENNINGS. I think that we may safely agree to the abstract proposals laid down in the resolutions; indeed they command assent, because if we have a hearty desire for Imperial unity, nothing could bring us more together than having the great Dominion of Canada brought into direct contact with Australia; and I hope not alone by telegraph service, but by postal service within a measurable time. (Hear, hear.) With regard to the mode of expressing assent, it should, I think, be confined to the two ideas set forth in the resolutions which have been laid before us, and should not go into details.

There is one thing that I must say with regard to what Sir Samuel Griffith has said. The sooner a survey can be undertaken the better. It is a long line of unsurveyed sea bottom, of which very little is known; and until that survey has been made nothing can be done with regard to introducing this project before the Australasian Colonies, as Mr. Service has suggested. It must first be proved to be practicable; and then I quite agree with Mr. Service that it will be our duty to endeavor to concert the construction of it in one way or another by every possible means. (Hear, hear.)

The PRESIDENT. I shall enter it in this way on the minutes: That the general assent of the delegates was given to the proposals put forward by Sir Alexander Campbell. (Hear, hear.)

Mr. ROBINSON. May I ask if that is to be followed up by any farther resolution? Sir ALEXANDER CAMPBELL. It will be followed up by action, I hope.

Mr. ROBINSON. I was hoping that Sir Alexander Campbell would put on record a motion of a little wider scope with reference to a subject which was brought forward at an earlier sitting. I confess that we should have been very glad in South Africa if a more general proposal could have emanated from the Conference, expressing its opinion that Her Majesty's Government, if possible, should institute an inquiry into the feasibility of bringing the whole of the telegraphic communication of the Colonial Empire under the direct control of the Imperial and Colonial Governments. Of course, this matter is one which affects more particularly Canada and Australia, and we in South Africa are only too glad that Canada and Australia should be connected. But, at the same time, we cannot lose sight of the fact that there are other portions of the ocean which need to be bridged as well as the great north-eastern Atlantic and the Indian Ocean, thus completing the circle of telegraphic communication round the Empire. (Hear, hear.) Whether it is open or not yet to follow up Sir Alexander Campbell's resolution by any other expression of opinion, having, perhaps, a little wider scope as regards the general question, I am not in a position to say, but it seems to me on the former occasion that there was a general feeling among the members of the Conference that the idea of an Imperial telegraphic system was not so very Utopian as it was perhaps imagined to be in certain quarters. At any rate, it seemed to me that there was the desire that the question should be inquired into by Her Majesty's Government, with a view, perhaps, on some future occasion, of finding out whether a scheme was practicable or not.

Sir ALEXANDER CAMPBELL. This would begin the subject, and we might get farther afterwards; but it is best to make haste slowly, I think.

Mr. ROBINSON. Quite so.

The PRESIDENT. Your observations will be printed and circulated, and that will be probably all that you would desire from the delegates. They would hardly be inclined to pledge themselves, and certainly I could not, on the part of the Imperial Government, pledge myself to any large scheme of that kind.

Mr. ROBINSON. I only meant that there should be an inquiry.

The PRESIDENT. Of course, any resolution that you like to propose I will put; but I should think that you would probably be satisfied with stating your views, which had been stated, indeed, by Mr. Hofmeyr, on a former occasion.

Mr. ROBINSON. I am quite content with what has been done.

## IV

## PAPERS LAID BEFORE THE COLONIAL CONFERENCE, 1887.

## IV.—1.

## AUSTRALIAN MAILS.

**MEMORANDUM** for the information of Sir Alexander Campbell and Mr. Sandford Fleming, Canadian delegates, and circulated by them.

It is suggested that the subsidy which the Canadian Pacific Railway deems necessary to warrant their establishing the line, should be divided between:—

1. Imperial Government.
  - a. Admiralty—from "Armed Cruiser Fund."
  - b. Post Office—in proportion to amount now paid for monthly Pacific service.
2. New Zealand.
3. Australia.
4. Canada.

It is thought that under this arrangement their service will be secured at a positive saving upon existing mail contracts to the Imperial Government, New Zealand, and Australia.

**IMPERIAL GOVERNMENT—**

a. Armed Cruiser Fund.—The five vessels would, on account of their speed and construction, be entitled to the same arrangement which exists with the Cunard and White Star Companies.

b. Post Office.—The cost of conveying the New Zealand and Australian mails between London and San Francisco, for the present monthly American service, amounted, it is understood, in the year 1885-86 to £16,609. It is proposed to include in the scheme now suggested a fortnightly delivery of the mails at Fiji.

**NEW ZEALAND—**

In 1885 the cost to New Zealand of the Pacific monthly service was stated by the Postmaster General of the colony to be as follows:—

	£	s.	d.
Subsidy.....	29,798	0	4
Bonus to contractors.....	3,030	6	8
Light dues.....	663	0	0
Interprovincial agents, &c.....	6,796	8	1
<b>Total.....</b>	<b>40,287</b>	<b>15</b>	<b>1</b>

It is thought that under the proposed Canadian service, New Zealand will secure a fortnightly mail delivery at less cost than is at present paid for a disjointed monthly service, including a subsidy of £5,000 (or whatever smaller amount may be desirable) for the branch service between Auckland and Suva, Fiji. The amount at present paid for this monthly line appears to be £1,690 per annum.

New Zealand may complain that at present the main line steamers call at Auckland, whereas by this proposed service she is served by a branch line only. This may be true, but the steamers of the present American line merely call at Auckland for a few hours *en route* between San Francisco and Sydney, their detention being out as short as possible, and it is impossible for the Canadian Pacific to give to both New Zealand and Australia a fast service by the mail line steamers alone. If this fortnightly British line is established, it is thought the Imperial Post Office will cease to provide for the conveyance of mails between London and San Francisco. Could New Zealand, in such an event, afford to subsidize, by herself, the monthly American service?

In point of time New Zealand, by this new service, would be the most favored of all the colonies, ample margin being allowed for the transfer of mails, passengers and cargo at Suva. The conveyance of mails by the Suez lines could therefore be discontinued, saving postage.

Further, the vessels of the Union Steamship Company, a New Zealand corporation would have a direct share in this Pacific traffic which is now controlled by Claus, Spreckles & Co., an American firm, and this arrangement should result in a direct saving to the colony.

It is understood that New South Wales does not desire to become a party to a new contract with the American line, in which event the entire cost of the service if it were renewed, would fall upon New Zealand.

#### AUSTRALIA—

Under the proposed new Suez contracts with the Orient and P. & O. Companies, the amount originally asked by each company was virtually £100,000 for ten years, but in their latest amended tenders, it is said that these companies have reduced their offer to £100,000 each for a seven years' contract, and to £85,000 each for a 10 years' contract, for a service of about 34½ days from London, *via* Brindisi and Naples, to Adelaide.

Queensland at present pays £55,000 a year to the British India Steam Navigation Company for a service from Aden which delivers mails in Brisbane in about 44 days, and passengers in 57 days (the homeward voyage being three days longer), while according to the latest available reports (1885) of the Postmasters General, New South Wales contributed £11,760, Queensland £2,160 1s. 3d., and Victoria £4,177 to the San Francisco service.

The proportion which it is thought Australia might bear should, therefore, be forthcoming from the three colonies of Queensland, New South Wales, and Victoria; and if Victoria refused to become a party to the contract, from the two former colonies. Even if the colonies were unwilling to give this amount for a postal subsidy, the Imperial, strategic, and passenger value of the proposed service, as alternate to those *via* Suez, is worthy of a small subsidy from each of the Australian colonies.

The colony that would, of course, derive the greatest benefit is Queensland. She would acquire a faster mail and passenger service than any one of the colonies of Australia, and would consequently become, instead of the most remote, the nearest in point of time and distance to Great Britain and Europe. This would, without the slightest doubt, most materially assist in her settlement and development. Direct connection would be established with the Fiji and Hawaiian Islands, Canada, and the United States. The pleasure seeking public, who perhaps rarely visit Queensland at the present time on account of the difficulties of communication, would make Brisbane their port of arrival or departure. A great impetus would be given to the railway traffic, especially on the lines between Brisbane and Sydney; at the same time, first class sea communication would be established between the two ports.

It has been shown that the British India Company receive a postal subsidy of £55,000 a year for a service of 44 days and 57 days to Brisbane for mails and passengers respectively, and it is understood that they receive a further payment or guarantee on emigrant passages. While, from a commercial point of view, it may be politic to subsidize this line, it is surely of far more importance to Queensland to have this excellent Pacific mail and passenger service. The British India is an established line, and would not cease running were its postal subsidy somewhat reduced nor would there be any probability of rates of freight or emigrant passage being raised, since many cargo steamers run to Australia, and the Pacific line could if necessary carry emigrants from England at the present rate of £16 16s. per head. As a mail service the British India is practically useless; in 1885 only 42·38 per cent. of outward and 23·53 of inward letters going *via* Torres Straits, the bulk of the Queensland mails going by the Orient and P. & O. Companies. In 1885 net payment was thus made to New South Wales on account of mails by the Orient line of £6,509 11s. 7d., and to Victoria of £5,149 2s. on account of the P. & O. line, or a total of £11,658 13s. 7d. in addition to the £55,000 paid to British India.

By the establishment of this Pacific service affairs would be reversed, and Queensland, instead of paying out postages, would collect them from non-contracting colonies.

As Sydney would be the terminal port of the line in Australia, and large disbursements would be made there, New South Wales would largely benefit from this source. In fact, the amount disbursed in the colony would of course exceed the amount of the subsidy. Time for mails and passengers *via* Brisbane and rail, or *via* Brisbane and sea, would be faster by Canada and the Pacific than by the contemplated Suez services.

The commercial development between the United States and Canada and New South Wales also calls for a Pacific line, which, however, be it remembered, cannot exist without a subsidy.

To Melbourne is offered the inducement of a mail service but slightly inferior in point of time and probably cheaper, and a passenger service a week faster than those *via* Suez. Victoria also has large commercial dealings with Canada and the United States, contributing in 1885, £1,177 to the San Francisco line for mails, and, further, cannot overlook the strategic and Imperial value of this proposed Pacific service.

Lastly, it is thought that this line of steamers, carrying the British flag each week through the island groups of the Pacific, would assist in the settlement of the Pacific Island question, and tend to render annexation by foreign powers of islands along the route impossible.

Australia desires to be master of the Pacific. Nothing will more assist the attainment of her desire than the establishment of this service.

#### IV.—2.

### PROPOSED CANADIAN MAIL SERVICE TO AUSTRALIA.

#### MEMORANDUM circulated by Canadian Representatives.

The Canadian Pacific Railway Company offer to undertake a fortnightly mail and passenger service to Australia, to alternate with other mail services *via* Suez, in connection with a fast Atlantic service for which the Government of Canada have advertised for tenders.

The service to be a fortnightly one each way between Halifax or Quebec and Vancouver, British Columbia, and between Vancouver and Moreton Bay, Queensland, calling at Honolulu, Hawaiian Islands, and Suva, Fiji Islands.

The steamers to terminate the outward voyages and commence the homeward voyages at Sydney, New South Wales.

The Australian mails to be delivered and received at Moreton Bay, but mails for New South Wales and Victoria to be delivered and received at Sydney, if desired.

The New Zealand mails to be delivered and received at Suva, Fiji; the Government of New Zealand to provide the branch service between Suva and Auckland. (The Union Steamship Company of New Zealand now run a monthly mail service between New Zealand and Suva, and a monthly service between Australia and Suva.)

The maximum through time between Halifax or Quebec and Moreton Bay, to be 27½ days, which, with a 15 knot Atlantic service, the lowest speed permitted under new tenders called for by the Canadian Government, will give through time between an English port and Moreton Bay of less than 34½ days, which would in practice frequently be reduced.

Through time between England and Australia cannot be guaranteed until the details of the new Atlantic service are arranged.

With a 12-knot service between Fiji and New Zealand, time between an English port and Auckland would be less than 34 days.



The service to be performed by five new vessels, to be specially constructed for the service, of great speed, and with the most approved passenger accommodation, so designed as to meet the requirements of the Admiralty for vessels to be placed upon the list of the "Royal Naval Reserved Cruisers," thereby establishing upon the Pacific a fleet of splendid merchant cruisers, available for the use of the Empire in the event of war, and to develop commerce under the British flag in the Southern Pacific Ocean during times of peace.

Further, it is proposed that, as far as possible, the crews of the vessels shall consist of men of the Royal Naval Reserve.

By this route passengers would make the same through time as the mails, without extra cost, special trains running alongside the steamers at Vancouver and Halifax, or Quebec.

In the event of emergency such steamers could make the passage between Vancouver, which will always be in telegraphic communication with London and Moreton Bay in 17 days.

It would be quite feasible, in the case of pressing necessity, to make through time of 27 to 28 days from England, whereas, in the event of the Suez Canal being blocked and unavailable, 34 days would be required to reach Australia *via* the Cape at an average speed throughout of 15 knots an hour with allowance of 24 hours for coaling.

**A. TABLE** showing an Estimate of Mail Time between England and Australia, *via* Brindisi (Naples) and Suez, under proposed contracts of 1888, as tendered for by the Peninsular and Oriental and the Orient Companies, and an Estimate of possible Mail Time between England and Australia, *via* Canada, at the same period.

**MEMORANDUM** circulated by CANADIAN REPRESENTATIVES.

**ESTIMATE OF TIME, ENGLAND TO AUSTRALIA under (proposed) NEW SUEZ CONTRACT.**

London to Brindisi or Naples.....	56 hours, or 2 days 8 hours.
Brindisi to Adelaide, P. & O. Co. ....	32 days 12 hours.
Naples to Adelaide, Orient Co.....	32       "

OR

London to Adelaide, P. & O. Co.....	84 days 20 hours.
"       "       Orient Co.....	34       "       8       "

Land carriage of the mails by Intercolonial Railway from Adelaide to Melbourne, Sydney and Brisbane. Rail 30 miles per hour, and following detentions: Transfer at Adelaide (say) 3 hours; Melbourne, 1 hour; Sydney, 1 hour; each change of gauge, 30 minutes.

Adelaide to Melbourne, including transfers...	490 miles = 20 hours.
Melbourne to Sydney       "       "       ...570       "	= 20½ "
Sydney to Brisbane       "       "       ...726       "	= 25½ "

**THROUGH Time from London in 1888.**

	P. & O. Co.	Orient Co.
Adelaide .....	34 days 20 hours.	34 days 8 hours.
Melbourne .....	35       "       16       "	35       "       4       "
Sydney .....	36       "       12½       "	36       "       0½       "
Brisbane .....	37       "       14       "	37       "       2       "

## POSSIBLE SERVICE.

ENGLAND to Australia *via* Canada\*

Liverpool to Halifax.....	2,500 knots.
A. at 18 knots = 139 hours or 5 days 15 hours.	
B. at 17 " = 147 " 6 " 3 "	
C. at 16 " = 156 " 6 " 12 "	
Halifax to Vancouver, 3,660 miles at thirty miles per hour.....	122 hours or 5 days 2 [hours.
Transfers (3 hours at each end).....	6 "
Vancouver to Brisbane (Moreton Bay).....	6,510 knots.
A. at 15 knots = 434 hours or 18 days 2 hours.	
B. at 14½ " = 456 " 19 " 0 "	
C. at 13½ " = 482 " 20 " 2 "	
Detention at Honolulu (say) 6 hours.	
or	
Liverpool to Brisbane.....	A. 29 days 7 hours.
" " .....	B. 30 " 17 "
" " .....	C. 32 " 4 "
Brisbane to Sydney by rail at 30 miles per hour, distance 726 miles with detention for transfer from steamer to rail (say) 6 hours.....	= 1 day 6 hours.
Brisbane to Sydney by sea at 14 knots per hour, distance 455 knots, with detention of steamer, Moreton Bay, 1 day.....	= 2 days 8 hours.

	A.	B.	C.
Liverpool to Sydney <i>via</i> Brisbane and rail...	30 days 13 hours	31 days 23 hours	33 days 10 hours
" " " sea....	31 " 15 "	33 " 1 "	34 " 12 "

Sydney to Melbourne and Adelaide same time as by Suez route.

COMPARISON ON ABOVE LINES *via* SUEZ AND *via* CANADA, 1888.

FROM LONDON <i>via</i> BRINDISI (NAPLES) AND SUEZ.			FROM LIVERPOOL <i>via</i> CANADA.		
To	P. & O. Co.	Orient. Co.	A.	B.	C.
Adelaide.....	34 dys. 20 hrs.	34 dys. 8 hrs.	32 dys. 2½ hrs.	33 dys. 12½ hrs.	34 dys. 23½ hrs.
Melbourne.....	35 " 16 "	35 " 4 "	31 " 9½ "	32 " 19½ "	34 " 6½ "
Sydney.....	36 " 12½ "	36 " 6½ "	30 " 13 "	31 " 23 "	33 " 10 "
Brisbane.....	37 " 14 "	37 " 2 "	29 " 7 "	30 " 17 "	32 " 4 "

The Canadian Government have called for tenders for a new Atlantic service at 16, 17, and 18 knots per hour. That an 18 knot service between England and Halifax is quite feasible has been proved by the average voyages of the fast Cunarders during the year 1886. *Via* Liverpool and Quebec the ocean distance is 210 miles longer, and the rail distance 586 miles shorter than *via* Liverpool and Halifax.

\*This table does not provide for détour and call at Fiji for New Zealand mails and passengers.

It is possible that the speed of 30 miles per hour would not be maintained upon the narrow gauge portions of the Intercolonial Railway in South Australia and Queensland. If a special train should leave Brisbane upon arrival of the mails the 6 hours detention allowed could be no doubt lessened.

By the Suez route passengers can only make the mail time shown above by incurring the heavy extra expense of the rail journey to Brindisi or Naples. The majority accompany the steamers from Tilbury *via* the Bay of Biscay and Gibraltar. This necessitates, at present, 9 additional days at sea. By the Canadian route passengers would always, if they desired, travel with and make the same through time as the mails.

The Pacific voyage is made through, comparatively speaking, smooth waters with north-east and south-east trade winds south of latitude 40 north, thence prevailing westerly winds. It will not consequently be difficult to maintain the speed here specified. By making Moreton Bay the first port of arrival in Australia, the shortest possible trans-Pacific voyage would be accomplished; mails would be delivered at the nearest point of the Intercolonial Railway system, and the heavy westerly weather encountered frequently on the voyage between New Zealand and Sydney would be always avoided.

On the voyage from Suez to Adelaide very high temperature is met with; heavy weather is frequently experienced off the Australian coast; and passengers have to encounter the great heat of the Red Sea.

By the Canadian route passengers, troops, stores, &c., can be conveyed between England and Australia in the above mail time, with the exception that, in the case of troops and stores, a small additional allowance must be made for transfer at Halifax and Vancouver. Should it be necessary in the event of war, or in case of emergency to make very fast time between England and the colonies, the passage from Vancouver could be made in 17 days or less, or about 27 days from England. On the other hand, European complications may render the London-Brindisi route unsafe and unreliable for mails and passengers, and in the event of war between any European powers the Suez Canal route may be absolutely blocked, leaving the colonies dependent upon a Canadian service, or an infinitely longer one *via* the Cape.

From the above comparison it will be noticed that by the slowest and longest Canadian service (table C.) the mails would be delivered in Brisbane in 5 days 10 hours, in Sydney 3 days 2 hours, and in Melbourne 1 day and 10 hours faster time than that tendered for by the P. & O. Co., and in Adelaide in 3½ hours longer time only.

It is not intended in this statement to disparage in the slightest degree the Suez services of the Peninsular and Oriental and the Orient Companies; but it is thought that it will be more to the interests of the Australian Colonies to make provision for a Canadian service, which can be relied upon in times of war as well as peace, and which would be faster than the Suez services, than to enter into a 10 years' exclusive agreement with the Suez companies for the transmission of all the mails.

It is thought that a fortnightly service *via* Canada would alternate satisfactorily with a fortnightly service *via* Suez, making a fast weekly mail delivery.

#### IV.—3.

### PROPOSED CABLE BETWEEN CANADA AND AUSTRALIA.

#### COLONIAL OFFICE Memorandum and Correspondence.

The question of connecting Australia with Canada by cable, and so affording an alternative means of communication beyond those supplied by the Eastern Extension Telegraph, had been from time to time mentioned in connection with the Canadian Pacific Railway, but it was first brought formally to the notice of Her Majesty's

Government on the 29th of July, 1886, by a letter from the High Commissioner for Canada; which, with its enclosures, will be found in the Appendix. There is also inserted in the Appendix a report by the Superintendent of Electric Telegraphs, New South Wales, dated the 31st of March, 1886.

The scheme is opposed by the companies which own the existing telegraph lines communicating with Australia, and on the 28th of January of this year a letter was received from Mr. Pender enclosing copies of letters and memoranda, which will be found in the Appendix, suggesting that a reduction of the existing tariff charges might be effected upon a guarantee from the colonies. The promoters' scheme alluded to by Mr. Pender has not been communicated to Her Majesty's Government, and his own figures appear to be only a rough estimate. They furnish, however, the only information which the Colonial Office possesses upon the matter.

A very strong case would have to be made out to justify the Colonial Office in asking the Treasury to take into consideration a proposal to provide a subsidy for maintaining a cable in competition with a telegraphic system which at any rate supplies the actual needs of the Imperial Government.

So far as can be judged, there would seem to be great difficulties in the way of the proposed scheme. The distances between the points where the cables would land are very great; the depth of the sea, as shown by the soundings given in the "Challenger" reports is excessive; and the amount of business passing over the cable might prove comparatively small; so that not only would a subsidy be required, but one of very considerable amount. If it were decided to carry such a cable from Fiji to New Caledonia, and thence to the coast of Queensland, some assistance might possibly be obtained from the French Government: but that would involve landing in a second foreign country.

It is, at the present stage, only possible to invite the Australasian and Canadian members of the Conference to express their views generally upon the scheme for laying a cable across the Pacific from Vancouver to some point in one of the Australasian Colonies.

COLONIAL OFFICE, March, 1887.

#### IV.—4.

9, VICTORIA CHAMBERS, LONDON, S.W., 29th July, 1886.

SIR,—With reference to Mr. Bramston's letter of the 30th March last, on the subject of the proposed telegraphic communication between Canada and Australasia, I now beg to transmit a copy of an Order in Council of the Dominion Government dated the 8th June, 1886, instructing me to invite a conference of the Agents General of all the colonies interested, and ascertain how their respective Governments would be disposed to act in the matter, and what amount of assistance they would be prepared to give.

I beg to state, for the information of the Secretary of State for the Colonies, that I took an opportunity of calling a meeting in accordance with this request. It was found, however, that it would be difficult to take any practical steps until some definite scheme had been propounded, which could be submitted to the Colonial Governments for their consideration, and I therefore requested a number of gentlemen who were interested in the question to go thoroughly into it, and to prepare a printed memorandum which should contain the important facts in connection with the proposed telegraphic communication, and a scheme by which it would be possible to carry it out.

This has now been done, and I enclose three copies of the memorandum herewith. I may say that copies have been forwarded to the Agents General for the consideration of the Colonial Governments.

You will observe the following paragraph at the end of the Order in Council:—

"The committee further recommend that the High Commissioner be instructed to put himself in communication with the Secretary of State for the Colonies, and

endeavor to secure the co-operation of Her Majesty's Government on the subject."

It is only necessary for me to say that the communication when provided, apart from its commercial value, will be most important to the mother country, and to the colonies, providing as it does an independent line of telegraph to Australasia and the East, and I trust therefore that Her Majesty's Government and the Government of India will be prepared to assist substantially in carrying the proposal into effect.

Will you be so good as to bring the matter under the notice of the Secretary of State for the Colonies?

I am, &c.,

**CHARLES TUPPER,**  
*High Commissioner.*

The Under Secretary of State for the Colonies,  
Downing Street, S. W.

# DOCUMENTS IN REFERENCE TO THE ESTABLISHMENT OF DIRECT TELEGRAPHIC CONNEXION BETWEEN AUSTRALIA, NEW ZEALAND, CANADA, AND GREAT BRITAIN.

No. 1.

## ORDER IN COUNCIL IN REFERENCE TO THE ESTABLISHMENT OF TELEGRAPHIC CONNEXION BETWEEN THE AUSTRALIAN COLONIES, CANADA AND GREAT BRITAIN.

PRIVY COUNCIL, CANADA, OTTAWA, 10th June, 1886.

SIR,—By direction of the Right Honorable the President of the Council, I forward you a copy of an Order in Council, dated 8th June, 1886, with respect to the subject of the proposed establishment of telegraphic communication by cable from the Australian Colonies, for your action and co-operation as therein expressed.

I have, &c.,

**JOHN J. MCGEE,**  
*Clerk, Privy Council.*

The Hon. Sir CHARLES TUPPER, G.C.M.G., C.B.,  
High Commissioner for Canada,  
9, Victoria Chambers,  
London, S. W.

## IV.—5.

### CANADA.

**CERTIFIED COPY** of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 8th June, 1886.

On a memorandum, dated 22nd May, 1886, from the Minister of Public Works, submitting a communication from the High Commissioner for Canada in London, enclosing a copy of a circular addressed by the Colonial Office to the Agents General of the Australian Colonies, on the subject of the proposed establishment of telegraphic communications by cable from those colonies to San Francisco, the last paragraph of which is as follows:—

"In view of the completion of the Canadian Pacific Railway, it would seem to deserve consideration whether such a cable, if constructed, might not more advantageously have its terminus in British Columbia."

The Minister represents that several communications have been received from Mr. Sandford Fleming, C.E., setting forth the scheme of a company, represented by

him, to connect either Queensland or New Zealand with Vancouver, B.C., by way of Fiji and Hawaii, by which it appears that the estimated cost of the cable would exceed £2,000,000 (say \$10,000,000); and that, as it is the intention of the company to very greatly reduce the rates at present existing for telegraphic messages between England and Australia, the company would require assistance from the different Governments interested, in the shape of a subsidy, which is roughly estimated at about £70,000 per annum for a period of about 20 years. Mr. Fleming represents that the Governments interested in the project are Canada, Great Britain, India, Victoria, New South Wales, New Zealand, South Australia, Queensland, Tasmania, Western Australia, Hawaii, and Fiji, and states that advances have already been made towards some of the agents of the Australian Colonies, with a view of having the terminus of the proposed cable in British Columbia instead of San Francisco, which have been favorably received. Mr. Fleming suggests that as Canada is greatly interested in establishing direct telegraphic communication with Australia, India, and the East, it would be advisable that this Government should take the initiative in the matter, and invite a conference of the Agents of the colonies interested to discuss the subject.

The Minister, agreeing with the suggestions made as to the advantages likely to accrue to Canada from the establishment of direct cable communication between British Columbia and the East, and that it would be advisable that this Government should take the initiative in the matter, recommends that advantage be taken of the Colonial and Indian Exhibition now being held in London, and the presence in that city of representatives from the colonies interested, to obtain an expression of opinion on the project, and that the High Commissioner for Canada be requested to invite a conference of the Agents General of all the colonies interested, and ascertain how their respective Governments would be disposed to act in the matter, and what amount of assistance they would be prepared to give; also, that the High Commissioner should ascertain from the Imperial authorities what assistance might be expected from them on behalf of the United Kingdom and India, and that the High Commissioner report the result of his inquiries as speedily as possible.

The Committee concur in the report of the Minister of Public Works, and the recommendations therein made, and submit the same for your Excellency's approval.

The Committee further recommend that the High Commissioner be instructed to put himself in communication with the Secretary of State for the Colonies, and endeavor to secure the co-operation of Her Majesty's Government on the subject.

JOHN J. McGEE,

*Clerk, Privy Council.*

#### IV.—6.

#### DIRECT TELEGRAPHIC COMMUNICATION BETWEEN AUSTRALIA, CANADA, AND GREAT BRITAIN.

BATT'S HOTEL, DOVER ST., LONDON, 10th July, 1886.

SIR,—Having learned that the Canadian Government has instructed you to confer with the representatives in London of the other Governments interested in the projected telegraph communication between Australia and the United Kingdom, by what may be termed the Canadian route, I beg leave to submit the accompanying documents bearing on this important question.

I desire to direct your attention more particularly to the enclosed memorandum of date London, 1st July. In this document I have ventured to explain the views I have formed with respect to the projected telegraphic communication, and the principles upon which a company may be organized for carrying out the undertaking.

I have consulted a number of capitalists, as well as experts in ocean telegraphy, and have quite satisfied myself that with a very moderate Government subsidy, a

substantial company can be formed to establish and work the new line of telegraph on the principles laid down in that memorandum.

The whole capital of the company, to complete an independent telegraphic connexion between Great Britain, Canada, New Zealand, and the Australian Colonies, may be placed at £2,500,000.

This capital may be divided into two parts, viz., £1,500,000 to bear a low rate of interest, secured for 25 years by Government subsidies; £1,000,000 to be share capital apportioned between Australian, Canadian and English capitalists.

This capital will be ample for the whole undertaking. With regard to the restoration sinking fund, I have consulted some of the best experts on ocean telegraphy on the general question, and I learn that opinions are rapidly changing with respect to the life of modern cables. The first cables laid may be considered to have been to a large extent experimental, and advantage may now be taken of the very large experience gained.

It is found that in ordinary cases the breakages are apt to take place within a comparatively few years after the cables are laid, and that once properly repaired faults are not likely to recur.

The opinion is gaining ground that the life of a cable, as now made, instead of being 10 or 12 years, is more likely to be double that period. As the conductors and insulating materials employed are practically indestructible, it is difficult to conceive that a cable, after lying 20 or 25 years at the bottom of the ocean performing its functions satisfactorily, will not continue to be serviceable for an indefinite period. I mention these views to show that there does not appear to be any sufficient reason for burdening an enterprise at its inception by providing a large sinking fund for restoration at a very early date. Be that as it may, the soundness of the principles I have laid down in the memorandum cannot be gainsaid.

We are aiming to establish a work which will result in all future years in a great saving to each colony. It is suggested that each colony, in proportion to the saving effected, should set aside a small portion of the money so saved to keep the work which effects the economy in an efficient condition. For every hundred pounds saved, £10, or perhaps eventually £5 or less, is proposed to be funded to cover possible contingencies.

With regard to the probable earnings for revenue purposes, it will be seen, on reference to the memorandum of 6th April, that the foreign business of the Australian colonies for the year 1889 is estimated to be 85,000 messages, or about 850,000 words. It is not to be expected that the whole traffic will come to the new line, for the existing telegraph company will undoubtedly reduce its charges in order to retain a share of the business.

Let us assume that the business will be equally divided, and that the new company will only have half of the 850,000 words; this will give 425,000 words, and we may reckon this business at 4s. per word, as the terms made with the Canadian Pacific Railway Company will admit of "through" messages being sent at that rate.

425,000 words at 4s.....	£ 85,000
Less cost of working and land service, say.....	40,000

Giving a balance of.....	<u>£ 45,000</u>
--------------------------	-----------------

equal to  $4\frac{1}{2}$  per cent. on £1,000,000. This estimate is for the first year the line can be in operation. On careful examination it will be seen that the estimate is an exceedingly moderate one, no allowance having been made for the great impulse which will undoubtedly be given to telegraphy and general business by the large reduction in charges.\*

\* Referring to the recent great reduction in charges between London and New York, the report of the directors of the direct United States Cable Company for the six months ending 30th June last states: "So far the reduction has resulted in more than doubling the volume of traffic, and the directors are 'not without hope that with a revival of trade it may be still farther increased.'" The report of the Anglo-American Telegraph Company also states that the traffic has increased over 110 per cent. since the rates were reduced.

There cannot be a doubt that the earnings will go on greatly increasing, while the working expenses will increase but little. It would not be at all a high estimate to double the net earnings in a very few years. This would give 9 per cent. on the whole share capital, and it may be assumed as certain that the increase would continue year by year.

I have explained that a subsidy is needed for the purpose of securing a million and a-half of pounds at a low rate of interest. If the Government subsidies be sufficient to provide a sinking fund to pay off the £1,500,000 in 25 years, it would be proper to carry all excess of revenue over a given dividend, say over 7 or 8 per cent., to the restoration sinking fund.

It will be noted, as one of the proposed conditions, that not only will the charges on messages be reduced to less than half the present rates, but that messages sent by any Government shall be transmitted free to the full amount of its subsidy. This feature will place it in the power of each contributing Government to receive directly back each and every year its full proportion of the subsidy contributed.

I respectfully submit that the scheme above outlined is perfectly practicable; it will no doubt find warm and active hostility on the part of those pecuniarily connected with the existing telegraph company—those whose policy has been to maintain high rates in order to secure large profits. Such objections as they may offer should have little weight in view of the great Imperial and Colonial advantages which the new undertaking will secure. The better policy for the companies to adopt will be to lower charges on messages and derive profits from the greatly augmented business which will certainly follow.\*

The terms and conditions which I have indicated would undoubtedly command the organisation of a substantial and energetic company to carry out this new and important undertaking in the most satisfactory manner.

I have, &c.,

SANDFORD FLEMING.

Sir CHARLES TUPPER, G.C.M.G., C.B.,  
High Commissioner for Canada.

#### IV.—7.

[Enclosure.]

#### Telegraph between Australia, Canada and Great Britain.

##### *Memorandum by Mr. Sandford Fleming.*

1. It is proposed that a company be formed for the purpose of establishing telegraphic communication between Australasia and Great Britain by a new and independent line. This new telegraph is projected to traverse lands and seas beyond the control of any power likely to prove hostile to the British Empire.

2. It is proposed that a chain of electric cables be laid across the Pacific Ocean, to connect the Australian group of colonies with Vancouver, the western terminus of the Canadian Pacific Railway. The cables to land at such intermediate islands as may be found suitable for mid-stations.

3. Arrangements have already been made with the Canadian Pacific Railway Company for the transmission of all through telegraph business between the Pacific and Atlantic oceans on extremely favorable terms.

\* Since the date of this letter the reports of the Associated Atlantic Cable Companies for the past half-year have been published. They generally favor this new policy. The low tariff introduced has resulted in a very much larger augmentation of traffic than was anticipated as a first result. "The unexpected increase in the volume of traffic immediately upon the introduction of the sixpenny tariff has induced the directors to consider the expediency of adopting permanently a system of low rates. . . . It is obviously their interest to encourage a very large traffic at low rates."—Report A. A. Tel. Company.



4. It is proposed to acquire complete control of one of the existing Atlantic cables landing on the shores of Canada, or to lay a new cable from Canada to Great Britain.

5. The whole line may be divided into three great sections, viz. :—

(A.) *The Pacific Section.*

This section will consist mainly of electric cables, the lengths of which after allowing for slack will approximately be as follows :—

	Knots
(1.) Brisbane or Sydney to North Cape, connecting at the former with the Australian telegraph system, at the latter with the telegraph system of New Zealand .....	1,300
(2.) North Cape to one of the Fiji Islands.....	1,240
(3.) Fiji to Fanning Island.....	2,270
(4.) Fanning Island to one of the Sandwich Islands.....	1,280
(5.) Sandwich Island to Barclay Sound or Port San Juan, Vancouver Island.....	2,730
(6.) Barclay Sound across Vancouver Island and the Strait of Georgia to Vancouver city, the terminus of the Canadian Pacific Railway.....	100
Geographical miles.....	<u>8,900</u>

(B.) *The Canadian Section.*

This section will extend along the Canadian Pacific Railway and the Intercolonial Railway to connect with an Atlantic cable. If it be found necessary to lay a new Atlantic cable, the land line will probably terminate at Gaspé in the Province of Quebec. Distance from Vancouver to Gaspé, statute miles.....

3,450

(C.) *The Atlantic Section.*

A new Atlantic cable from Gaspé *via* the Straits of Belle Isle to Ireland.....Geographical miles

2,450

6. These three great sections connected, and the business under one management, it will be possible to reduce permanently the charges on messages to the lowest practicable rates, and thus render the line of the greatest commercial utility. It is believed that the reduction in rates contemplated, and rendered possible by the satisfactory terms agreed upon with the Canadian Pacific Railway Company, will give a great impetus to telegraphy and promote the development of intercolonial intercourse and commerce.

7. The arrangements proposed, and the terms agreed upon, will admit of messages being sent from Australia to Great Britain, on the opening of the new line, at less than half—eventually, it is believed, at one-third—the charges at present exacted.

8. While the new line, established as set forth, will stimulate commercial activity between the countries to be connected, its political, naval and military value will be very great indeed. It is well known to naval and military commanders that no reliance can be placed on the permanency of communications by way of the Mediterranean and the Red Sea, and it becomes obvious that the line through Canada may, during any emergency, assume incalculable importance. The cable across the Pacific will always be removed from the theatre of European complications. It will not only be a direct means of communication between the Australian colonies and the mother country, but if an emergency arises to render every wire through Europe

and Egypt useless, it will still be possible to communicate with India; indeed, every British station between South Africa and Port Hamilton may continue in telegraphic connection with London.

9. To secure advantages so great—and it is difficult to say whether in a commercial, political, naval, or military aspect the advantages would be greatest—Government aid and co-operation is necessary; but as there are twelve Governments more or less interested in the undertaking moderate assistance from each will suffice.

10. The following Governments are interested in the new line of telegraph:—

- |     |                                  |
|-----|----------------------------------|
| 1.  | The Government of Great Britain. |
| 2.  | do Canada.                       |
| 3.  | do Hawaii.                       |
| 4.  | do Fiji.                         |
| 5.  | do New Zealand.                  |
| 6.  | do New South Wales.              |
| 7.  | do Queensland.                   |
| 8.  | do Victoria.                     |
| 9.  | do South Australia.              |
| 10. | do Western Australia.            |
| 11. | do Tasmania.                     |
| 12. | do India.                        |

Of these Hawaii has offered \$20,000 a year (say £4,000) for 15 years to be connected telegraphically with San Francisco, and it may be assumed that that subsidy will be available to the proposed company. The principal assistance, however, will require to be furnished by Great Britain and her colonies.

11. It is proposed that Government aid should be directed to two main objects, viz:—(1.) To secure the establishment of the cables across the Pacific Ocean; (2.) To provide for their permanent efficiency.

The first main object—the establishment of the cables across the Pacific—can be effected if the Government assistance takes the form of an annual subsidy sufficient in amount to pay a low rate of interest and provide for amortization on a large portion of the capital required for this section of the undertaking. The remaining capital may be share capital, and will have to depend for dividends on earnings.

12. The perpetual efficiency of the cables can be maintained in another way. It has been customary to make provision for this purpose out of earnings, but this course necessarily has a tendency to keep rates for the transmission of messages high. The policy recommended is to reduce traffic rates to a minimum, and in order to do so, earnings should be charged with as little as possible beyond working expenses. It is therefore suggested that the renewal and duplication of the cables may be effected by a special provision. In the memorandum attached hereto (6th April, 1886), it is clearly shown that the establishment of this new line in the manner set forth will result in a very large saving in the gross foreign telegraph business of all the colonies it will serve. A comparatively small percentage of the savings so effected would provide for renewing, duplicating and maintaining the cables in perpetual efficiency. It is proposed, therefore, that a restoration fund be provided from this source. Taking as a basis for computation the difference between present charges and the reduced charges, probably five per cent. or less will eventually be found sufficient; but it is suggested that at first ten per cent. of the savings accruing to each colony should annually be funded for the purpose set forth. If after a period of ten or more years it will be found that less than ten per cent. will effect the desired purpose, a smaller percentage of the savings may be carried to the restoration fund. The object in view is to provide sufficient but no more than sufficient, to restore the cables whenever they may become unserviceable, and to maintain the line of communication in the highest condition of efficiency for the business to be transacted.

13. These provisions assented to, it will be possible, immediately on the cables being laid, to adopt a scale of charges for ordinary messages between the Australian Colonies and Great Britain of 4s. per word, press messages at half or considerably

lower rates. It is proposed that Government messages be transmitted free of charge to the full amount of the subsidy, and to take precedence of all other business.

BATT'S HOTEL, Dover Street,  
LONDON, 1st July, 1886.

#### IV.—8.

(Appended to Letter dated London, 10th July, 1886.)

#### CANADIAN AND AUSTRALIAN CABLE.

MEMORANDUM submitted to the Canadian Government by Mr. Sandford Fleming.

OTTAWA, 6th April, 1886.

A few years back attention was directed by the undersigned to the importance and practicability of connecting Great Britain telegraphically with China, India, Japan, and the Australian Colonies, by a line passing through Canada, and by one or more cables laid in the Pacific Ocean.

The subject was reverted to last year in a letter dated 20th October, 1885, addressed to the Premier, the Right Honorable Sir John A. Macdonald.

Since these dates the Canadian Pacific Railway Company has completed a line of telegraph from the Atlantic to the Pacific, thus establishing an important section of the original scheme, leaving to be completed only the cable across the Pacific.

The Australian Colonies are already connected telegraphically with England by way of Port Darwin, Singapore, Penang, Madras, Bombay, Aden, Alexandria, and through the Mediterranean Sea. The charges for messages are, however, very high, and there is always danger of interruption to business when political events assume a threatening attitude in Egypt or in Europe.

A cable from the Australian Colonies, *via* Fiji and the Sandwich Islands to Vancouver, the western terminus of the Canadian Pacific Railway, would connect them telegraphically with England by a line which would have the great advantage to every British interest of being entirely removed from all European complications. Moreover, a very large aggregate saving in the cost of transmission would be effected.

The Australian Colonies were first connected with England in November, 1872, consequently the following year (1873) was the first year the international line was in operation. The business in 1873 consisted of 8,952 messages to and from the colonies. The last returns are for 1884, when the messages sent and received reached 48,896; showing an extraordinary development in 11 years, averaging an annual increase of 40 per cent. This increase may, however, be abnormal, and as the last three years of the period show a more moderate growth, it will be safe to take the latter as a basis on which to estimate future business.

The number and cost of messages between the Australian Colonies and Europe, for the three years referred to, was as follows:—

	No. of Messages.	Cost.
1882.....	39,175	£ 225,567
1883.....	43,384	251,277
1884.....	48,896	270,766

These results give a fair indication of the steady growth of the business under the present high tariff.

The annual increase in the number of messages is equal to  $12\frac{1}{2}$  per cent., and the average cost of each message sent during the three years 1882, 1883 and 1884, is £5 13s. 9d.; the charge of ordinary messages per word (between Sydney and London) being 10s. 10d., Government messages 8s. and press messages 6s. 7d.

The undersigned has brought the question of a cable from Vancouver to Australia before the Board of Directors of the Canadian Pacific Railway, and has succeeded in

effecting arrangements of a most satisfactory character. This company will, within a few weeks, have telegraphic connections with all the principal points in the United States, including all the important cities on the Pacific coast, and will be able to transmit messages on such terms as will enable the Pacific Cable Company to secure practically the entire business between the Continent of America and the Australian Colonies. The cable leading from Port Darwin, in the direction of India, will, moreover, enable the new company to command a very large share, if not all, of the business between America and Asia.

It will be practicable under these arrangements with the Canadian Pacific Railway Company to transmit messages between the Australian colonies and England at considerably less than one-half, possibly at one-third, the present charges, and between the colonies and all the important cities in the United States and Canada at one-quarter the rates now exacted.

It is proposed, immediately on the Pacific cable being laid, to lower the charges on ordinary messages between Australia and England from 10s. 10d. to 4s. per word. This reduction will bring the cost of an average message from £5 13s. 9d. down to £2, and without doubt will give a very great impetus to telegraph business. It is not easy to estimate with any approach to accuracy what increase would result from this cause—men of experience in such matters are of opinion that the business would probably be doubled; but even if we limit our expectations to its ascertained normal growth, and base our calculations on a steady increase of traffic of only 12½ per cent. per annum, we shall see that the advantage of the new line to the colonies will be immense.

The latest returns with 12½ per cent. per annum added give 85,000 messages for 1889. Assuming that the new cable would then be laid and the Canadian route in operation throughout, the estimate for a series of years would be as follows:—

	No. of Messages based on an annual growth of 12½ per cent.	Saving effected, being the difference between £5 13s. 9d. and £2, or £3 13s. 9d per Message.
1889.....	85,000	£ 313,400
1890.....	95,000	350,275
1891.....	107,000	392,550
1892.....	119,000	438,800
1893.....	133,000	490,420
1894.....	148,000	542,050
1895.....	166,000	612,125
1896.....	186,000	685,875
1897.....	208,000	767,000
1898.....	234,000	862,000
Total.....	1,481,000	5,456,497

It will thus be seen that, without taking into account any additional increase in the number of messages which the great reduction in charges would undoubtedly produce, a very great saving would be effected in the Australian business. If the estimate be well founded it would amount to £5,456,497 within the first 10 years, being an average saving of over half a million pounds per annum.

The new line when established will form a connection through South Australia with Port Darwin, and thence by existing telegraph lines with Asia and Africa. It is obvious, therefore, that it possesses a peculiar interest to the Imperial Government, as it will afford the means of communicating not only with the Australian Colonies independently of lines passing through the Mediterranean, but also with India and every British station between Hong Kong and South Africa.

Canada has already done much towards establishing the new line of telegraph between Great Britain, Australia and Asia. She has, by an enormous expenditure in connection with her national railway, brought Vancouver within telegraphic reach

of England, and she has thus rendered it a comparatively easy task to complete the whole connection. It has cost in all about £40,000,000 of public and private money to establish the railway and its adjunct, the telegraph, by which Vancouver has attained the commanding position which it occupies in respect to the Pacific cable scheme. The Pacific cable, is however, in some degree a corollary to the line across the continent, and it is reasonable to expect that the Canadian Government will readily co-operate in its establishment.

The following Governments are more or less interested in the undertaking :—

- |     |                   |                    |
|-----|-------------------|--------------------|
| 1.  | The Government of | Great Britain.     |
| 2.  | do                | Canada.            |
| 3.  | do                | Hawaii.            |
| 4.  | do                | Fiji.              |
| 5.  | do                | New Zealand.       |
| 6.  | do                | New South Wales.   |
| 7.  | do                | Queensland.        |
| 8.  | do                | Victoria.          |
| 9.  | do                | South Australia.   |
| 10. | do                | Western Australia. |
| 11. | do                | Tasmania.          |
| 12. | do                | India.             |

It will not be possible to carry out the undertaking by a private company without Government assistance. As electric cables are perishable, provision must be made for renewing or duplicating them when circumstances require it. It is also obvious that the reduced charges which are proposed will require a greatly increased business to yield a sufficient profit to meet dividends on capital. The company would, therefore, require a subsidy for a term of years or until the business increased to such a volume as to render the line self-sustaining. But as the subsidy would be borne by so many Governments it would fall lightly on each.

The first step to be taken is to ascertain to what extent the several Governments would be disposed to co-operate in establishing the work.

#### IV.—9.

(Appended to Letter dated London, 10th July, 1886.)

#### TELEGRAPH FROM CANADA TO AUSTRALIA.

LETTER TO THE PREMIER OF CANADA BY MR. SANDFORD FLEMING.

OTTAWA, 20th October, 1885.

SIR,—I had the honor a few years back to submit to the Canadian Government a scheme for forming a great intercolonial and intercontinental telegraph system, a prominent feature of which was the laying of an electric cable across the Pacific Ocean, from the western coast of British Columbia to Asia. The great object which the scheme had in view was the establishment of an unbroken chain of telegraphic communications between England and Japan, China, India, Australia, New Zealand, and South Africa, directly through Canada, thus connecting telegraphically all the great British possessions in every quarter of the globe without passing through Europe.

The accompanying memorandum, dated London, 20th November, 1882, together with the documents submitted by the Secretary of State to the Canadian Parliament on the 20th February of the same year, will recall to your recollection the important public objects which the scheme had in view, and the efforts then made to carry it out. You are aware that through various causes these efforts proved unsuccessful; but the time which has elapsed has in no way lessened the importance of the project, or rendered it more difficult of accomplishment.

The political events which have so frequently assumed a threatening attitude in Europe, the difficulties which are never entirely absent from Egypt, point to the constant danger of interruption to existing communications by the Red Sea, and the immense importance of securing an independent line of telegraph removed from all Eastern complications. The projected line, extending from England through Canada to the Pacific coast, in the province of British Columbia, and thence across the Pacific to Asia and the Australian provinces, would supply an independent line of communication so much desired, and in so doing would indirectly but—it is held—very materially strengthen the military and naval power of Great Britain, while it would directly promote the highest interests of every one of the great Colonial possessions.

Within the present year an overland line of telegraph will be completed along the route of the Canadian Pacific Railway, thus spanning the American continent, and there are a number of electric cables in operation across the Atlantic from England to Canada. The Canadian Pacific Railway Company have expressed a desire to facilitate the despatch of through telegraphic business along their line in every possible way, and are prepared to enter into a permanent agreement which, with the competition existing on Atlantic lines, will secure exceedingly low tariff rates between England and the coast of British Columbia. There only remains to be established the submarine telegraph across the Pacific Ocean.

When the accompanying memorandum was issued it was thought that the Pacific cable should follow a northern route by the Aleutian Islands and Japan. It was generally believed that in the great central area of the Pacific Ocean subaqueous rocky ledges and coral reefs prevailed to such an extent as to render the establishment and maintenance of an electric cable practically impossible. That opinion was based on an imperfect knowledge of the physical character of the Pacific Ocean, and on the charts which at one time were strewed with islands, reefs, and shoals, many of which were inserted on doubtful authority, and have consequently been omitted from the latest publications. Since then, also, it may be supposed that submarine telegraphy is better understood. Be that as it may, the view is now entertained that it may not be absolutely necessary to follow a northern route, and that the successful establishment of an electric cable running directly from British Columbia to the Australian provinces may be quite within the range of practicability.

There are, indeed, extensive coral reefs in the central and southern Pacific; but the most authentic hydrographic information establishes that those reefs are generally in great groups, separated by wide and deep depressions free from obstruction. It is further revealed by the latest bathymetric data that those depressions or troughs present (as far as ascertained) a sea floor precisely similar to that of the Atlantic, so suitable for submarine telegraphy. Those ocean depressions, alike by their geographical position and their continuity, open up the prospect of connecting Canada and Australia by a direct cable. The course of the cable would be from Vancouver to the Fiji Islands, touching at the Sandwich Islands and Fanning Island as mid-stations. From the Fiji Islands a cable connection would be formed with the existing Australian and New Zealand telegraph systems.

Whatever route be followed by the cable across the Pacific, the object will be to bring the group of Australian Colonies into direct telegraphic connection with Canada, and secure a means of communication between them and England independent of all lines passing through or in proximity to Europe. Messages will be conveyed by the new line at lower rates than are now exacted, and the immediate effect which must follow its establishment is manifest. The cost of telegraphing between Australia and England will be reduced, intercourse will be facilitated between the sister colonies and Canada, and an impulse given to commercial activity.

Apart altogether from the political advantages of the new independent telegraphic connection, the gain to the general commerce of the colonies which it would serve would justify them in co-operating with Canada in promoting the undertaking.

The undertaking may be promoted by the several Governments agreeing to give for a term of years a subsidy sufficient to induce a company to embark in it. The

subsidy may be a fixed sum, contributed in equitable proportions, or it may be dependent on the business transacted by each respective colony, and on the reduction in rates which would follow immediately on the line going into operation.

It is quite obvious that the gross foreign telegraph business of any one colony, reckoned at the difference between the present high rates and the reduced charges, would produce a considerable aggregate sum. That sum might be taken to represent the year's savings accruing to the colony from the establishment of the new line of telegraph, and it would obviously well repay that colony to share the amount so saved with the telegraph company. Suppose the accrued saving so reckoned in any one year to be fifty thousand pounds, a moiety to the company as a subsidy would be twenty-five thousand pounds, while the colony itself would gain a direct pecuniary benefit from the undertaking to a like extent. The illustration as presented will explain the principle on which a subsidy may be based.

Among the British possessions in the southern hemisphere directly interested in the work are Fiji, Tasmania, New Zealand, Western Australia, Queensland, New South Wales, South Australia, and Victoria. I venture to think that their co-operation with Canada in the manner set forth would, without difficulty and with no great delay, secure to them and to the whole British colonial system all the political and commercial advantages to result from the projected line of communication.

As the contemplated work is of special importance to the mother country and all her colonies, I trust I may be allowed to entertain the hope that you will be pleased to bring the subject under the notice of the respective Governments.

I have, &c.,

SANDFORD FLEMING.

The Right Hon. Sir JOHN A. MACDONALD.

#### IV.—10.

##### TELEGRAPH BETWEEN AUSTRALASIA, CANADA, AND GREAT BRITAIN.

LONDON, 19th July, 1886.

SIR,—The undersigned, who were present at the meeting of the Agents General on the 12th instant, having been requested by you to ascertain the amount of subsidy which would be necessary to enable a company to connect England telegraphically with Australia through Canada and the Pacific Ocean, have the honor to state:—

We have considered the whole question and are of opinion that a substantial company can be formed to establish an efficient telegraph connection on the route proposed for a total annual subsidy of £100,000 for 25 years.

The subsidy may be apportioned as follows, *i. e.*:—

1. Great Britain, on behalf of the United Kingdom, India, and the Crown Colonies.....	£50,000
2. Canada.....	10,000
3. Queensland .....	10,000
4. New South Wales.....	10,000
5. Victoria.....	10,000
6. New Zealand, Tasmania, and Western Australia.....	10,000
	<u>£100,000</u>

Or should the Imperial Government, by an arrangement with the Colonial Governments, itself guarantee the whole amount, the total subsidy may be considerably reduced, as the Imperial guarantee would enable the company to find capital at a lower rate of interest. With such guarantee a total subsidy of £90,000, for twenty five years would suffice, and thus reduce the annual contributions.

The subsidy mentioned is calculated to pay interest on borrowed capital, and provide a sinking fund for its repayment in twenty-five years.

As the company would transmit all the messages of the various contributing Governments free, and the rates chargeable to the public for "through" messages would not be more than one-half the present regular tariff charges, Great Britain and the colonies would save a much greater sum than the amount of subsidies above proposed.

If the several Governments agree to pay over to the company a percentage of the gross savings which would thus be effected by each country, the company could still further reduce the charges to the public.

We have, &c.,

DONALD A. SMITH,  
RANDOLPH C. WANT.  
ANDREW ROBERTSON.  
MATTHEW GRAY,  
SANDFORD FLEMING.

The Honorable Sir CHARLES TUPPER, G.C.M.G., C.B.,  
High Commissioner for Canada, London.

#### IV.—11.

##### CABLE COMMUNICATION BETWEEN AUSTRALIA AND GREAT BRITAIN.

##### REPORT OF SUPERINTENDENT, ELECTRIC TELEGRAPHS, ON REDUCTION OF RATES FOR CABLEGRAMS AND DUPLICATION OF SUBMARINE CABLES.

*Ordered by the Legislative Assembly to be printed, 21st April, 1886.*

I have carefully considered the proposals made by the Eastern and Eastern Extension Companies for a reduction in cable rates between Great Britain and the Australian Colonies, and have the honor to submit the following report:—

At the Telegraph Conference held at Berlin in August and September, 1885, it was decided, subject to the removal of some slight difficulties, such as a reduction of the transit rates through India, to make a reduction of 2s. per word on cable messages for the public, and 3s. 9d. per word reduction to the press, also a proportionate rate for the Government, which would have made the rates, from the 1st July next, 8s. 8d. per word to the public and 2s. 8d. per word for the press, which would have been satisfactory to all concerned; but, in consequence of India refusing to reduce from 7s. to 5d. per word, which even then would be double her own local rate for the conveyance of messages a distance of 650 miles, this was not carried out; and the Eastern Extension Company have from time to time made new proposals to the colonies, which have been more or less impracticable.

The last proposition appears to me to be the only feasible one they have made—i. e., if the payment of the present subsidy of £32,400 per annum (New South Wales proportion being £12,617) be extended for a period of 6½ years, they will reduce the rates for public messages to 8s. per word to Adelaide—this would be about 25 per cent. on the present tariff—to secure which I think the contributing colonies, Victoria, New South Wales, South Australia, and Western Australia, should accept.

There are several proposals for duplicate cables, but they are vague and unsatisfactory. Sir Julius Vogel suggests a cable from Queensland to England, by what route he does not say; another from Perth to Ceylon, and another *via* Mauritius, Natal, and the Cape. Every one of these lines would run into the Eastern Company's systems; for instance, if a line were taken from Cape York or Normanton to Java, Singapore, or Manila, the whole of the business would be conducted from there by the Eastern and Eastern Extension Companies; and even if it were



extended to Hong Kong and Shanghai, the messages would be carried from there by the Great Northern Company through Russia, which has a joint-purse agreement with the Eastern Company, so the public would fare no better.

A cable from Perth to Ceylon, 3,500 miles, would be a very long lead, and would require an expensive cable, with enormous copper conductivity, to work at anything like speed, and no object would be gained, as the line would only work into the Eastern or Indo-European cables *via* the Persian Gulf, which also work on the joint-purse system with the Great Northern; so again the Australian traffic would be entirely at the mercy of the existing companies.

A line from Western Australia to Mauritius and the Cape is almost too ridiculous to be spoken of, and, even if carried out, the business would share the same fate, as the Eastern Company have the lines on the east coast of Africa, from the Cape to Natal, Mozambique, Zanzibar, and Aden, also the new line on the west coast, which, I believe, is to be extended to join the Brazilian cables either at Pernambuco or St. Vincent, so that there is no prospect for an opposition duplication to the existing cables by either of these routes, unless an entirely through course to England could be selected; even then Egypt could not grant a land line from the Red Sea to the Mediterranean, as she receives a subsidy of £7,000 per annum from the cable company for exclusive right of transit through that territory.

The only possible way out of the difficulty would be to construct a series of cables from New Zealand to San Francisco or Vancouver's Island. This would necessarily be very expensive and very risky, as the whole of the sections would terminate on coral reefs, which are most destructive to cables. The first section would be from New Zealand to Levuka, Fiji, a distance of 1,239 knots, with an unsurveyed depth of water; the next section would be to Apia, Samoa, 680 knots, also coral formation; thence to Honolulu, 2,404 knots, the only landing being through coral reefs; from Honolulu to San Francisco, 2,197 knots. The only soundings throughout the route are a few taken by the United States frigate "Tuscarora," which in some places were over five miles in depth, so that a cable for these seas must necessarily be an expensive one (and the price quoted in the Agent General's letter, dated 29th January, 1886; would be quite under my estimates), as it would be impossible to pick up a starved cable in such depths, considering that it would not support its own weight in water while being hauled to the surface.

The cost of this line would be £2,000,000 sterling.

The expenses per annum for working this line properly would be—

Five stations, at £2,000 each.....	£ 10,000
Two cable steamers, crew, coal and repairs.....	20,000
Sinking fund for renewals and replacing cables within 20 years, at per annum, say.....	80,000
Interest on capital, at 5 per cent. per annum .....	100,000
	<hr/>
	£210,000

Taking 300,000 words per annum as the probable traffic, at 5s. per word to San Francisco, and 2s. from San Francisco to London, or 7s. per word, and including the cable to New Zealand, making 7s. 6d. per word from Australia to England, 300,000 words at 5s.—£75,000, which would not be sufficient to provide a sinking fund for renewals, without heavy Government subsidies from the colonies.

Take the probable traffic at 400,000 words per annum, at 5s. per word to San Francisco, £100,000, which is not sufficient to cover working expenses and renewals.

I believe Mr. Audley Coote's proposal at one time was to convey messages from Australia to London for 5s. per word, *via* San Francisco; this would leave 3s. per word for the Pacific cables, and allow 2s. for transit from San Francisco to London.

The whole traffic for the year 1885 from and to Australia was 556,660 words, which at 3s. per word would give a return of £83,499 per annum, which would not provide sufficient for renewals and replacing cables in 20 years.

The routes suggested by Sir Julius Vogel are scarcely worth further analysis; but to show how impracticable they are, even as regards tariffs, and how impossible it would be to reduce the rates by adopting either of them, I will quote the rates now charged from the terminals of these proposed cables.

A cable from Queensland would have to connect with the Eastern Extension Company's system either at Manila or Singapore.

The present rate per word.—

	s.	d.	
Manilla to London.....	10	0	per word.
Singapore to London.....	6	5	do
Or if extended to Shanghai to connect the Great Northern lines, through Siberia, the rate from Shanghai is.....	8	4	do
From Queensland to Point de Galle—the rate from Point de Galle to London.....	4	10	do
From Queensland to Java—Batavia to London...	6	10	do
From Perth to Ceylon—Ceylon to London.....	4	10	do
Western Australia to Mauritius, thence to Natal—Tariff, Natal to London.....	8	9	do
And even if this line were extended along the west coast of Africa to Pernambuco—Pernambuco to London .....	9	0	do
St. Vincent to London.....	4	0	do

So that if these lines were constructed as proposed by Sir Julius Vogel there could be no possible reduction in rates on the Australian business.

I am sure the public will be better served by accepting the proposal for an extension of the subsidy, than by paying a syndicate a large sum annually for procuring nothing more than the Colonial Governments interested can secure by negotiating, direct with the cable companies, with the additional advantage that they (the Governments) can raise the money necessary at a less rate than the syndicates; but I do not advise this Government to undertake the working or management of any submarine cable, neither would the gentlemen offering their services take any risk or responsibility after they have raised the money, laid the cables, and taken their proportion of the profits.

This colony is now paying an annual subsidy of £12,617 for cables, which will extend over a period of 13½ years yet to run, and I do not consider that it is necessary or wise to increase our expenditure in that direction—the colonies are very well served; and, without very considerable additional subsidies, as I have already shown, no sweeping reduction of rates can be secured. If the non-contributing colonies, New Zealand and Queensland, are so anxious for new routes and new cables why do they not take up the offers of the syndicates themselves?

Queensland has been offered a duplicate cable from Normanton to the Roper, free of expense and without extra tariff, and South Australia, I have been informed, is willing to construct a land line to connect the Roper River with Port Darwin, so that a complete duplication of the international system would be ensured; but, for some unexplained reason, the Government of the former colony has refused this gift, which would cost the company £70,000, although their cablegrams would come to them direct, instead of going round by Adelaide and Sydney, which must cause them very great inconvenience and delay, and debars the southern colonies the advantage they would otherwise gain by having an alternative route in the event of interruptions on the overland line to Port Darwin. I am sure that this matter could not have been seriously considered by the Queensland Government, or they would have allowed the end of a cable to be landed on their shores in the Gulf of Carpentaria, for the benefit of their own commerce and that of their neighbors.

I quite concur in the Agent General's remarks, in his despatch dated 29th January, 1886, *re* the extension of the term for the payment of the subsidy, and do

not consider that any better course can be adopted to ensure the maximum reduction in rates at the minimum expense to the colony. We are now bound to an annual subsidy for 13½ years, and we should certainly not increase our liabilities by encouraging syndicates to undertake new works, with doubtful results, and which are not absolutely required.

In reference to the Agent General's despatch, dated 12th February last, I do not think the reduction of 1s. 4d. per word to the public from 1st July is worth consideration, as it will be too small a concession to make any visible increase in the number of words sent, and will not be appreciated by the mercantile community.

It is also clear that the whole of the colonies will not agree to contribute anything to the duplication subsidy on the Darwin-Singapore cables, Queensland and New Zealand having already refused to join.

As regards the 2s. 8d. per word for the press, which is to take effect at once, if the colonies agree that the non-contributing colonies should share in the concession, there can be no objection to this, as neither Queensland nor New Zealand get their press messages direct; they are either compiled in Sydney or Melbourne.

E. C. CRACKNELL,

*Superintendent, Electric Telegraphs.*

SYDNEY, NEW SOUTH WALES, 31st March, 1886.

A.

STATEMENT showing the proportions payable per annum by the Australasian Colonies in order to recoup, so as to cover the following expenses, viz.:—

Maintenance of five stations, at £3,000 each per annum	£ 10,000
Maintenance of two cable steamers, at £10,000 each per annum.....	20,000
Sinking fund for renewals and replacing cables.....	80,000
Interest on cost of cable (£2,000,000), at 5 per cent.....	100,000

Total..... £210,000

CALCULATED ON BASIS OF POPULATION AT 3RD APRIL, 1881.

Colony.	Population at 3rd April, 1881.	Proportion payable on business—300,000 words at 5s. Deficiency, £135,000.	Proportion payable on business—400,000 words at 5s. Deficiency, £110,000.	Proportion payable on business—550,000 words at 3s. Deficiency, £126,501.
		£ s. d.	£ s. d.	£ s. d.
Victoria .....	882,282	42,031 13 9	34,248 0 10	39,385 11 2
New South Wales.....	781,265	37,221 7 5	30,328 10 6	34,878 1 7
South Australia.....	293,297	15,973 7 8	11,385 14 5	13,083 13 8
Western Australia.....	30,013	1,429 17 10	1,165 1 11	1,359 17 6
New Zealand.....	500,910	23,864 11 6	19,445 4 2	22,362 3 4
Queensland.....	226,968	10,813 6 2	8,810 16 11	10,132 11 0
Tasmania .....	118,923	5,665 15 8	4,616 11 3	5,309 1 9
	2,833,608	135,000 0 0	110,000 0 0	126,501 0 0

## B.

STATEMENT showing the proportion payable per annum by the undermentioned colonies in order to recoup, so as to cover the following expenses :—

Maintenance of five stations, at £2,000 each per annum.....	£ 10,000
Maintenance of two cable steamers, at £10,000 per annum....	20,000
Sinking funds for renewals and replacing cables.....	80,000
Interest on cost of cable (£2,000,000) at 5 per cent.....	100,000
Total.....	210,000

CALCULATED ON BASIS OF POPULATION AT 3RD APRIL, 1881.

Colony.	Population at 3rd April, 1881.	Proportion payable on business—300,000 words at 5s.—gives £75,000. Deficiency, £135,000.	Proportion payable on business—400,000 words at 5s.—gives £100,000. Deficiency, £110,000.	Proportion payable on business—556,689 words at 3s.—gives £83,499. Deficiency, £126,501.
		£ s. d.	£ s. d.	£ s. d.
New Zealand.....	500,910	79,856 16 9	65,068 10 8	74,879 8 1
Queensland.....	226,968	36,184 0 9	29,483 5 10	33,908 1 1
Tasmania.....	118,923	18,969 2 6	15,448 3 6	17,765 10 10
	846,801	135,000 0 0	110,000 0 0	126,501 0 0

## IV.—12.

THE EASTERN TELEGRAPH COMPANY, LIMITED,

WINCHESTER HOUSE, 50 OLD BROAD STREET, E.C.,

LONDON, 28th January, 1887.

DEAR SIR HENRY,—In confirmation of what I said to you at our interview a few days ago I have now the pleasure to enclose copies of letters and memoranda, which have been transmitted to the Australasian Colonies and to the Cape, having for their object the possible establishment of a lower tariff for telegraph messages. If the low rates which I have suggested can be brought into force through the means which I have pointed out to our colonies, I believe that within a very short period of time the guarantees mentioned would be nominal. But the risk of the introduction of these rates is one which must be borne by the respective Governments, for the reasons which I have stated.

I am sure that so material a reduction would be hailed by the colonists with the greatest possible satisfaction; and if at the approaching Colonial Conference no other end were achieved but this, it would be, of itself, well worth the bringing together of the representatives of these important and distant colonies, and would be productive of infinite good not only to Great Britain but to the people in these great dependencies.

Submarine telegraphy is of quite modern growth. Twenty years ago there were about 2,000 miles of cable laid, chiefly in the channel, and some of the earlier submarine cables that were laid were unfortunately so badly constructed, that they were useless for work. I might quote as an instance the old Red Sea cable.

Science has now, however, aided so greatly in the manufacture of cables that they can at the present time be laid with comparatively little risk of breakage and with an almost certainty of efficient repair. These facts account for the rapid growth of

the submarine telegraph system, which now embraces 107,000 miles at a cost of something like thirty-seven millions sterling.

I may mention as a contrast and to give an idea of the importance of this system, that the whole length of the land lines now in existence in the world is some 1,750,000 miles, which represent an estimated cost of £52,000,000.

The submarine cable system is, with the exception of some 7,000 miles, entirely under British control, and has been the result of private enterprise.

There are now, however, unmistakable signs that France, Spain, and Italy would like to have submarine telegraphs also. France and Italy especially are making not only efforts to manufacture cables, but they have been building ships with a view to laying and repairing them.

The value of the submarine system as it is now controlled, under British management, it is impossible to over-rate, either from a political or commercial point of view. I am sure that you must be alive to its importance for Imperial purposes. I am told that in regard to our enormous commerce and its relation to the movements of our great mercantile marine, both the one and the other are more or less controlled and influenced by our sub-marine system. The economy in the working of ships is very great indeed; and in commercial transactions there are few of any magnitude which do not involve the forwarding and receiving of telegraphic messages.

These circumstances show that it is of great importance that the control of the telegraphs should be, as far as possible, in British hands; while it is of equal importance that the tariffs should be as low as it is possible to make them. Private enterprise has originated and carried on these companies, but of course they must be worked with a view of giving a reasonable return to the shareholders.

The companies over which I have the honor to preside have mainly to do with the Mediterranean system, the Red Sea, Australia, New Zealand, China, Japan, the Cape and West Africa, and also one of the cables to America.

The maintenance of these systems necessitates no fewer than 10 large repairing steamers, fully equipped for laying and repairing. We have established tanks for the purpose of storing spare cable at Gibraltar, Malta, Syra, Suez, Perim, Zanzibar, Singapore, and Shanghai. In these tanks at the present moment there are no less than 1,500 miles of cable. On several occasions during the recent times of war these stores have been of great value by enabling the companies to meet the Government's urgent demands at the moment, by connecting at times Besika Bay, Gallipoli, and Princes Islands in the Sea of Marmora. Later again, Port Said and Suakim were connected.

I merely mention these facts as showing how necessary it is for the Government to keep in friendly hands such an important reserve of power which may on certain occasions become invaluable. Should the Government and the colonies come to an understanding, similar depôts would be established at the Cape as well as in our other colonies.

From my long experience I am not speaking without authority as regards the enormous value that these submarine telegraphs possess in promoting commercial relations between the various commercial centres of the world, and in bringing into daily, indeed hourly, contact all our colonies and dependencies with the mother country.

I have quite lately written to Sir Robert Herbert on this same subject, and he may in conversation with you have alluded to my letter to him, but I thought I might venture to submit to you in a separate form my views as at present laid before the Australian Colonies and Cape Colony, in the hope that you may have leisure to peruse them and if satisfied with the scheme support it at the Conference.

If these low rates which I suggest are established it would probably rank amongst the most important events of Her Majesty's Jubilee.

I am, &c.,

JOHN PENDER.

The Right Hon. Sir HENRY HOLLAND,  
&c., &c., &c.

## IV.—13.

[Enclosure 1.]

THE EASTERN AND SOUTH AFRICAN TELEGRAPH COMPANY, LIMITED,  
WINCHESTER HOUSE, 50, OLD BROAD STREET,  
LONDON, E. C., 20th January, 1887.

SIR,—For some time past the question of reducing the submarine cable tariffs has been under the serious consideration of the companies over which I have the honor to preside, and only by this mail I have been enabled to transmit to the Australasian Colonies our views on the subject, and as these were intended to apply to the South African Colonies also, the arguments used in the enclosed letter and memorandum are equally applicable to the latter.

As a preliminary step, however, I send herewith a statement showing what guarantees will be required so as to give a 5s., 4s., or 2s. 6d. rate to the Cape and Natal, and should these views be approved in principle by your Government we shall be pleased to go thoroughly into the question with your representatives during the time the Colonial Conference is being held in London, when, as I understand, the subject of cheaper postal and telegraphic communication with our colonial possessions will be discussed.

Since these documents were prepared our attention has been drawn to a report of a deputation which waited upon you in regard to an opposing line. I observe you stated in your reply that on the general question you agreed with the deputation as to the desirability of some competition with the Eastern Company, "whose charges were enormous," &c.

It is true that on several occasions references have been made to the high tariff and we have given our reasons why, for a time, it should be maintained.

When your predecessor was in London, I mentioned to him the subject of reductions under guarantee, but his opinion at that time was against the risk of entailing any additional charges upon the colony.

I may say that last year this company was only able to pay 6 per cent. upon its small share capital of £400,000, and had the whole of the capital been in shares, instead of the larger portion in debentures, the return would have been considerably less. The £600,000 debentures were issued at 4 per cent., under the guarantee of the Eastern Telegraph Company, being 2 per cent. under the rate at which telegraph debentures have been generally taken by the public; but this low interest was due entirely to the good credit of the Eastern Telegraph Company.

The dividend this company is now paying is small, taking into consideration the nature of the investment; and, apart from the subsidies, the average revenue for the last three years would yield little more than 3 per cent. upon the capital, without providing any reserve whatever.

It is true that since last September there has been an increase in the Cape traffic, due to the formation of gold and diamond mining companies, and I hope that this increase will become permanent through the successful working of the companies now established, and to be established.

I am, however, perfectly aware that to make any large permanent increase in the traffic, a very considerable reduction of rate, such as cannot possibly be made at the risk of the companies, would be required. Any small reduction would, so far as my experience goes, be simply a present loss to the companies.

The scheme which I now propose is based upon the guarantee system; it would give the colonies the entire control of the tariff—while the burden of maintaining the lines would fall upon the companies—and the low rates they could establish would, I believe, assist in largely developing the material wealth of the colonies, and thereby benefit the whole of the population. Should the increase of traffic not be such as would render the guarantee comparatively small, still the country would be benefited, whereas if the companies were to make the reduction without guarantee they would be disastrously

affected; the risk, therefore, I hold, ought to be with the colonies, and not with the companies.

I hope your Government will take this proposition, which I have now the honor to submit, into their serious consideration, believing as I do that it is the only practicable way of bringing about what we all so much desire, a thoroughly efficient system with the lowest possible tariff.

It has been urged by interested parties that an alternative line by the West Coast was desirable for security and for strategical purposes.

I hold that, either for security or strategical purposes, any line connected with the Cape must be entirely in British hands.

The Eastern Telegraph Company has lately promoted the African Direct Company which has laid 2,733 miles of cable connecting the British Settlements on the West Coast of Africa with their system, under a subsidy from Her Majesty's Government.

Another company, the West African Telegraph Company, has a line on the West Coast, connecting the settlements of Portugal, France and Spain, subsidized by those Governments; but as messages sent by that company's line are bound to pass through the territories of those nations, and must be transmitted by the clerks of those nationalities, it is certainly not an undertaking likely to command the support of the Imperial Government, nor, I should hope, that of the Cape Colonies.

So far as the traffic is concerned, neither of these lines at present pays half the working expenses of the stations, and to extend such cables to the Cape, so as to make them in every sense efficient, would require a large subsidy, which would be a great waste of money, as the line is not, for any practicable purpose, wanted at present.

Should the time, however, come when the Government or the colonies, either for additional security or for strategical purposes, require the cable to be continued to Port Nolloth or the Cape, the African Direct Company, supported by the Eastern Company, would be prepared to undertake the extension on the basis of a guarantee to be then agreed upon.

As the price of cables can be controlled by the Imperial Government, there is no foundation for the suggestion which I believe has been made, that in time of emergency higher prices would be required.

I have, &c.,

JOHN PENDER,  
*Chairman.*

The Right Hon. Sir J. Gordon Sprigg, K.C.M.G.,  
&c.                      &c.                      &c.

#### PROPOSED GUARANTEE FOR REDUCTION OF TARIFF WITH SOUTH AFRICA.

Eastern Company to accept guarantee of present revenue £16,642  
And South African Company to accept a guarantee of 6  
per cent. on capital, after paying all expenses and  
providing for reserve and sinking funds..... 41,900

Estimated total amount to be guaranteed.... £58,542

The result to the Government may be estimated as follows:—

Tariff to Europe and Indian frontier	5s.	4s.	2s. 6d.
Net amount earned by companies' lines after deducting proportion of Continental Administrations.	4s. 10d.	3s. 10.	2s. 4d.
Number of words, 187,000.			
Value.....	£15,191	£35,841	£21,816
Loss to Government.....	13,351	22,701	36,726

-	15 per cent. increase would reduce loss to	£6,572	£17,325	£33,453
	25 do do	2,053	13,740	31,272
	50 do do		4,780	25,818
	75 do do			20,364
	100 do do			14,910

20th January, 1887.

The average receipts of the Eastern and Eastern and South African Companies for South African traffic—Natal and Cape Colony—during the last three years were as follows:—

Westward traffic.....	£78,000
Eastward traffic.....	2,538
	<u>£80,538</u>

Of this amount £16,642 is the proportion of the Eastern Company.

It is estimated that the South African Company would require the following sums guaranteed:—

Interest on capital of £400,000 at 6 per cent.....	£24,000		
Ordinary expenses.....	16,500		
Average expenses of cost of ship and repairs, includ- £2,500 for ships' reserve fund.....	22,500		
Interest and sinking fund for debentures.....	43,500		
Amount required to be put aside annually to replace cables at end of 20 years— 4,554 knots at £150 .....	£883,100		
Less present reserve fund £125,000, which at end of 20 years would, at 3½ per cent. be worth .....	248,625		
	<u>£134,475</u>	15,400	£121,900
Less subsidies .....	£60,000		
Local traffic—Zanzibar, Mozambique, &c.....	20,000		
	<u>80,000</u>		

Estimated amount to be guaranteed..... £41,900

20th January, 1887.

#### IV.—14.

[Enclosure No. 2.]

THE EASTERN EXTENSION AUSTRALASIA AND CHINA TELEGRAPH COMPANY, LIMITED,  
WINCHESTER HOUSE, 50 OLD BROAD STREET,

LONDON, E.C., 23rd December, 1886.

SIR,—As the question of Imperial intercommunication, which will doubtless embrace submarine or international telegraphic communication, is referred to in the published despatch addressed by the Secretary of State for the Colonies to the Colonial Governors, as one of the subjects for consideration at the Conference proposed to be held next year, and as the Eastern Extension Company, over which I have the honor to preside, is the pioneer of telegraphic communication with Australasia, and is anxious to further serve the colonies in every possible way, I take an early opportunity of placing before you the accompanying information in regard to the existing submarine telegraph cables, and as to the best manner, in my judgment, of



establishing cheap tariffs, in order that your Government may be in possession of all the facts of the case before deciding upon the instructions which they may deem it right to give to the delegates who will represent them at the Conference.

The Australasian colonies are at present in telegraphic communication with the rest of the world by means of the Eastern Extension Company's cables as far as India and China; with Egypt, Africa, Europe and the rest of Asia, by the lines of the Eastern Telegraph Company, the Indo-European Government Telegraph Department, and the Indo-European Telegraphic Company (with which administrations the Eastern Extension Company has a working agreement), and with America, North and South, by the numerous cables laid across the Atlantic.

This communication between Australia and the outer world was established by the Eastern Extension Company in 1871, without subsidy or assistance of any kind from the colonies or the Imperial Government, and, subsequently, when the importance of telegraphy became more fully recognized, and a duplicated system a public necessity, not because a single line was unequal to the transmission of the traffic, but in order to provide against the interruptions inseparable from a single line of cables, the colonies of Victoria, New South Wales, South Australia and Western Australia agreed to give the company a subsidy of £32,400 per annum for 20 years, to enable it to duplicate the cables between India and Port Darwin. Since then external submarine telegraphic communication may be said to have been practically uninterrupted, a result due to the duplication, and in some sections triplication, of the company's cables, and to the fact that they are laid for the most part in shallow water, and consequently easily repaired at almost all seasons of the year.

Thus the colonies are at present furnished with a complete and efficient telegraphic service by the existing cables, which are not only equal to the transmission of a much larger traffic than they now carry, but enjoy the immense advantage of being under English control and worked by English operators throughout their whole length. It is true that objections have been made to the present communication on the ground of its being dependent upon a single land line through Australia, but this defect could be at once and at no great cost remedied by connecting the telegraph systems of South Australia and Queensland, a proposal which the Eastern Extension Company has long urged, and to carry out which has offered to lay a cable at his own expense from the River Roper to Normanton.

I may here point out that while the route between Australia and China and Europe followed by the cables of this and the allied companies is incomparably the most secure in time of peace, it would be the more surely and easily protected in time of war, inasmuch as it is one of the sea routes most frequented by the mercantile marine, and would, therefore, be the special object of the vigilant care of the Royal Navy.

I would, therefore, submit that the existing company as the pioneer of the telegraphic communication with Australasia, is entitled to a large share of consideration at the hands of the colonies, and should have the earliest opportunity afforded to it of learning the views of the colonial authorities as to any increased telegraphic facilities which may be desired, so that it may endeavor to meet their wishes as far as lies in its power.

With regard to the question of cheap tariffs, which has for some time past engaged the attention of the colonies, there is no doubt that the existing charges are an obstacle to the general use of the telegraph. The Eastern Extension Company and its allied companies cannot, however, be reasonably asked to run the risks which a large reduction would involve, seeing that theirs is a commercial enterprise, and that after 15 years' working they are only enabled to give a moderate return to their shareholders. They have already considerably cheapened telegraphy by reducing the original rate of £9 9s. for 20 words to a word rate of 9s. 4d. for public messages, and 2s. 8d. for the press, which for the distance traversed is one of the lowest press rates on record. The latter reduction the companies had long striven to bring about, and were only lately able, after patient and persistent effort, to overcome the opposition to it by certain governmental administrations. They have, moreover, shown in every pos-

sible way their desire to further reduce the tariff, and amongst other propositions submitted to your Government, the Eastern Extension Company has, subject to the assent and co-operation of the other interested administrations, offered to make the rate any figure acceptable to the colonies down to the limit of their outpayments (at present 2s. 4d. per word), provided the average receipts for the last three years are guaranteed to them by the colonies. The acceptance of this offer would of course, reduce the companies' risk to a minimum so far as the traffic is concerned, but their responsibility of maintaining an efficient service would remain unchanged; on the other hand, it would give the Colonial Governments full control over the tariff, and enable them to establish a cheaper rate and on more favorable conditions, than could be obtained in any other way.

If the tariff were reduced to 4s. per word, and 100 per cent. increase of traffic took place, the amount of guarantee required would be about £55,000, which, based on the 1884 Census, and spread over all the colonies, would be from—

Victoria.....	£16,353
New South Wales .....	15,672
New Zealand.....	9,599
South Australia.....	5,321
Queensland .....	5,374
Tasmania.....	2,221
Western Australia.....	560
	<hr/>
	£55,000
	<hr/>

Opinions have been frequently expressed by leading colonists and by the public and press that a large reduction of rates would lead to a correspondingly large increase of traffic. If these views should prove to be well founded the suggested guarantee would be practically nominal. I cannot, therefore, help thinking that the guarantee proposal submitted by the Eastern Extension Company would be the solution of the tariff question most beneficial to the telegraphing public generally, and well worthy of consideration of the Imperial Government and the Australasian Colonies.

As I am anxious that your Government should have the fullest possible information on the subject which the company, from their long practical experience, can furnish, I have instructed the company's agents to accept from you and transmit as "service messages" all telegrams you may wish to forward to the company bearing upon this particular question.

I am, &c.,

JOHN PENDER,  
Chairman.

To the Honorable the Postmaster General of

#### IV.—15.

##### MEMORANDUM relative to proposed Pacific Cable.

My attention has been drawn to a proposal for the establishment of submarine telegraphic communication between the Australasian Colonies and Canada, *via* the Pacific.

As a scheme having this object in view has been for many years contemplated, and has received the careful consideration of the telegraph companies of which I am chairman, I may perhaps be permitted to state the grounds on which it has been regarded as one not calculated in the long run to attain the objects for which it is advocated, viz:—

A substantial and permanent lowering of the tariff; and,

Secondly, the providing of a reliable alternative route, especially in time of war. It is not disputed that to provide a single line of cables only between Australasia and Vancouver would require a capital of £2,000,000, but to put the line on the same footing of security as the existing telegraphic service, which is duplicated and in some places triplicated, a capital of over £4,000,000 would be required.

On the other side will be seen two estimates, one based on the figures said to be given by the promoters of the Pacific cables, and the other on the experience of the several submarine telegraph companies with which I have been for many years connected, and which, I have no hesitation in stating, are figures that can be confidently relied upon.

Assuming for a moment the accuracy of the first, or promoters' estimate, it will be seen that in consideration of a subsidy of £100,000, the tariff is to be fixed at 4s. a word. But the companies which I have the honor to represent have offered the same tariff in consideration of a subsidy of £75,000 a year, and on the guarantee principle suggested by the companies a 4s. rate might be established on still more favorable conditions to the colonies.

Let me now examine the promoters' estimate with a view to ascertaining how far the figures set forth in it are likely to be realized. Judging by the light of the experience gathered during the many years of submarine telegraph management, I cannot estimate the expenses of working a single line of cables connecting Australia and Vancouver Island at less than £135,000 a year or £35,000 a year in excess of the promoters' estimate. Again, the estimate of receipts seems to be greatly exaggerated. Assuming that a Pacific cable would take half the existing traffic, with 100 per cent. increase, in consequence of the reduced tariff, the result would be a net revenue of £175,000 a year, or only just sufficient to meet debenture interest and working expenses.

From the above statement I think I am entitled to say that the establishment of telegraphic communication by the Pacific would merely operate to saddle the colonies for twenty-five years with an annual payment of £100,000, at the same time augmenting the total capital invested in providing telegraphic communication between the colonies and Great Britain by the large sum of £2,000,000 in the case of a single line, or £4,000,000 if it were duplicated.

It is urged, however, that admitting in time of peace the present means of communication are adequate, in time of war the existence of an alternative route would be a great advantage. The reply I would make to this is that it would be impossible for the British Government, however anxious to do so, to provide the necessary means of protection in the case of cables laid across the Pacific, far away from the routes followed by merchant ships, and at immense distances from coaling stations. Moreover, the Pacific line would necessarily consist of long stretches across enormous and practically unsurveyed depths, terminating on coral reefs, and would, consequently, be exposed to constant interruptions, which would render its maintenance most costly and difficult.

Instead of a Pacific cable benefitting the colonies, I believe that the laying of such a line would only benefit its promoters, and would be inimical to the interests of the telegraphing public, as it would inevitably lead to a war of tariffs which would eventually impoverish both the Pacific and the existing cables, and result in a starved and inefficient service, the only remedy for which would be higher tariffs or much larger contributions from the colonies.

If the principal object which the colonies have in view is to obtain a cheaper tariff, it would, I submit, be more profitable to apply the amount asked for by the promoters of the Pacific scheme, or whatever other sum the colonies may be prepared to expend, towards enabling the Eastern Extension Company and its allied companies to make a substantial reduction in the present cable charges.

JOHN PENDER,

*Chairman of the Eastern and Eastern Extension,  
Australasia and China Telegraph Companies.*

WINCHESTER HOUSE,

50 OLD BROAD STREET,

LONDON, E. C., 23rd December, 1886.

## PACIFIC CABLE SCHEME.

As said to be put forward by promoters—  
 Length, about 8,300 nautical miles.  
 Capital, say £2,000,000—  
     £1,000,000 in £10 shares.  
     £1,000,000 in 4 per cent. debentures.  
 Tariff, 4s. per word.

## EXPENSES.

	£
Cost of working estimated at.....	50,000
Interest on debenture capital at 4 per cent.....	40,000

---

90,000

---

## RECEIPTS.

	£
Traffic estimated at.....	150,000
Subsidy.....	100,000

---

250,000

---

Leaving a balance of £160,000 or 16 per cent. interest on the share capital.

Estimated cost by Eastern Extension Company, based on actual experience of cable working:—  
 Length, about 8,300 nautical miles.  
 Capital, say £2,000,000.  
 Tariff, 4s. per word (3s. for Pacific cables, and 1s. for Atlantic cables and land-lines).

## EXPENSES.

	£	£
Cost of working stations and London exp.nses...	20,000	
Two steamers and maintenance of cables.....	40,000	
Amortization to renew cables in 20 years.....	75,000	
		135,000
Interest on debenture capital at 4 per cent.....	40,000	
		175,000

## RECEIPTS.

	£
Half existing traffic with 100 per cent. increase, say 500,000 words at 3s. per word.....	75,000
Subsidy required to cover expenses.....	100,000
	175,000

Leaving nothing whatever for interest on the share capital, which at 5 per cent. would require an additional subsidy of £50,000.

NOTE.—The 6d. per word calculated for Atlantic cables would probably be increased to 1s. or 1s. 6d., in which case balance for Pacific cables would be 2s. 6d. or 2s. respectively, which would reduce the estimated receipts from £75,000 to £82,500 and £50,000 respectively.

If the Australasian Colonies granted the subsidy of £100,000 asked for by the promoters of the Pacific cable, the amount required from each colony on basis of population, as compared with the Eastern Extension Company's guarantee proposal (assuming that traffic increased 100 per cent. by reduction of tariff) would be as follows:—

Colony.	Subsidy for Pacific Scheme.	Proposed Guarantee to existing Com- panies for 4s. Tariff.
Victoria.....	£ 29,734	£ 16,353
New South Wales.....	28,497	15,672
New Zealand.....	17,454	9,599
South Australia.....	9,674	5,321
Queensland .....	9,585	5,274
Tasmania .....	4,037	2,221
Western Australia .....	1,019	560
	<u>100,000</u>	<u>55,000</u>

## IV.—16.

## TELEGRAPH CABLES TO AUSTRALIA.

MEMORANDUM BY SIR JULIUS VOGEL, POSTMASTER-GENERAL, NEW ZEALAND.

It is, I think, highly expedient that the various Australasian Colonies should come to a joint arrangement respecting telegraph cables.

2. A great deal of consideration, not to say gratitude, is due to the private companies which have hitherto provided cable communication, but it is preposterous to continue to submit to the prohibitive charges which now prevail, and which in more or less degree must prevail whilst these undertakings are monopolies in private hands.

3. The supposed riskiness of the business has enabled private companies to monopolize enterprise connected with cable communication. That reason no longer exists, for it is quite certain that cables can be safely laid and kept in repair, and, practically, the business is now no more risky than telegraph land lines.

4. I shall sketch out in this memorandum the plan by which the Governments can, and, in my opinion, ought to, absorb the whole business at once; but failing their being willing to do so, I shall advocate their gradually approaching the same result. This they may do by aiding a competitive company under conditions which will enable the Governments to buy up the cables when they desire to undertake the business.

5. I believe the Governments, if they own the cables, can charge a rate of 1s. 6d. a word for urgent messages, and 1s. for ordinary and press messages, the whole way between the colonies and Europe, and soon make a profit on the transactions. Even if they do this great work at a loss there are, I contend, few objects on which they can spend money with more advantage.

6. The benefits of cable communication are at least in proportion to the distances travelled, or, what is to the same effect, the time saved. I am inclined, however, to think that the proportion is more than simple—that is to say, for example, that twice the distance would give to cabling relatively a more than double advantage. But, taking the proportion as a simple one, the meaning would be that the use of the cable is four or five times more advantageous to the colonists of Australasia than are similar facilities to the inhabitants of the United States. Yet it would be almost impossible to set a limit to the benefits which cheap Atlantic cabling has conferred on the people at both ends of the English-American cables. Financially and commercially the results are gigantic, and the social, literary, and educational purposes served are scarcely less important.

7. No one can question that, with cheap cabling, the development of the Australasian Colonies will increase enormously in speed, with less liability to reverses.

8. Supposing the colonies entertained the idea of taking in their own hands the charge of cabling, they should endeavor to buy out the existing interests as far as they

relate to Australasia, if the owners are willing to sell at a fair price, by which I mean something more than the value to reconstruct. If the owners be unwilling to make a reasonable sale, then the Colonial Governments will do better. But, up to a reasonable point, the companies should receive liberal treatment.

9. It is necessary to briefly consider the position of the Eastern and Eastern Extension Companies, which, to all intents and purposes, may be said to now have the sole charge of cabling between Australia and Europe. The occasional assistance of the Indo-European Company need not be taken into account, as it is of a reciprocal character. As I wish to make my remarks as little critical as possible, it will be better to refer to the Eastern and Eastern Extension Companies as if they were one concern.

10. These companies own between them 31,960 knots of cable, a few steamers, and a number of stations. Their capital, as shown by securities still current on the Stock Exchange in July last, amounts to over £11,350,000. The reserve funds amount to about £900,000, so that the companies have about £10,500,000 capital outstanding. After deducting the value of steamers and stations, the cables must stand the company in at more than £300 a knot, a price which is about double that for which the Governments could obtain fully suitable cables. But although, if the Governments were to assume the charge of ocean telegraphy, the good-will of the companies' business between Australia and England would not be worth anything, the same cannot be said with respect to the many other places the companies serve outside those with which the Colonial Governments would concern themselves. With some, at least, of these, competition is not to be feared, and the good-will of the business of the companies may represent a considerable value, fairly to be credited as a set-off to the reduced value of the cables. I hope it is so. It would be sad that the huge edifice of commercial activity and enterprise built up by these companies should not prove remunerative to those who have embarked in it.

11. The Australian lines form only a part of the total cables possessed by the companies. It is difficult to determine the exact length of that part, as a great deal of the way is duplicated by different routes, serving other purposes than those of mere duplication. For example, there is more than one cable route from England to Malta and to Lisbon. There is a duplicate between Bombay and Suez, and there is more than one route between Java and Singapore. There is also a duplicate between Australia and Java. A single line from Australia to Falmouth, along the present line of route, say, from New Zealand to Sydney, from Tasmania to Victoria, in duplicate, and from Darwin to Java, Singapore, Penang, Madras, Bombay, Aden, Suez, Alexandria, Malta, Gibraltar, Lisbon, and Falmouth, would take 11,703 knots of cable, to which must be added the land lines (not, I believe, owned by the company) between Madras and Bombay, and the Egyptian land lines, together about 650 miles. It would be important, if the company's system were purchased, to acquire also about 1,100 knots, duplicate, between Darwin and Java, some 600 knots between Batavia and Singapore, some 300 knots, for a second route, between Singapore and Penang, and some 850 knots between Penang and Rangoon. There is also some duplicate cable of about 3,000 knots between Bombay and Suez, but the companies probably would not part with it. They would prefer to retain it, and to agree to lend mutual aid in the case of disaster. Excluding the 3,000 knots there would be 2,850 knots to be added to the length of 11,703 knots already given, making a total of 14,553 knots. Some of the lines are sheathed with brass tape, which adds to their cost; but there is no room to doubt that the whole could be replaced at an expense of less than £2,500,000, and it is to be observed it includes the Australian, New Zealand, and the duplicate Australian-Tasmanian lines. The South Australian land lines, Adelaide to Darwin, cost £480,000. It would be fair to estimate half at least of this as an expenditure made on behalf of all the colonies.

12. I have submitted these figures to give an idea of the expenditure that might be necessary if it were decided to purchase out the existing companies. The remarks I am about to make are based on the proposal that the Colonial Governments should

start with the possession of any two lines out of the three practicable routes, namely, first, the present route; secondly, the route by the Pacific, Vancouver, Canada, and the Atlantic; thirdly, the route by Ceylon, Mauritius, Natal, Cape of Good Hope, and St. Vincent.

13. Taking a fair payment to the companies into account, a compensation to South Australia, and a second line throughout by either the Canadian or Cape route, I am persuaded that the cost would not exceed £5,000,000, with all the requisite repairing steamers; whilst if the companies were not dealt with, two lines could be obtained for considerably less.

14. My proposal then is, that the Colonial Governments start with two lines and the necessary steamers at a cost not exceeding £5,000,000. If the money is obtained under their joint guarantee it can be borrowed at  $3\frac{1}{2}$  per cent., or with an Imperial guarantee at 3 per cent. Taking the former and larger rate of interest, the annual charge would be £175,000.

15. As soon as the use of the two lines of cable warranted it, a sum of £150,000 should be set apart yearly for maintenance and for laying new cables, at about the rate of an additional through line each 15 years. But for some time, until the traffic developed, £50,000 yearly (with the use of the repairing steamers, the annual charge for which is included in the working expenses) would be sufficient to put apart for maintenance and new lines. As the revenue increased the larger sum could be dedicated to the purpose. I do not propose redemption of the capital. The construction of new lines would stand in the place of amortization.

16. I have had a careful estimate made of the yearly expenditure. By the present route it would amount to £125,680. This includes the annual cost and insurance of five repairing steamers, and the cost of nine stations between Falmouth and Bombay inclusive, seven between Madras and Nelson inclusive, and twelve land stations between Madras, Adelaide and Sydney inclusive. The annual cost of the steamers is set down at £15,382 each. The cost of the land stations is set down at £1,500 each, and the cost of the cable stations at £1,500 each, with 20 per cent. added. Provision is also made for special electricians, besides the ordinary officers at the stations. The salaries are estimated at less than the rates that the companies give, but the Governments would not require to pay on the liberal scale the companies adopt. The working expenses of the Eastern and Eastern Extension Companies amounted, for the latest year of which I have a return, to £272,361 for all their stations, whilst on repairs and maintenance they expended £132,967.

17. By the Cape route the estimate of annual expenditure is £73,300, which includes the cost of twelve stations, seven special electricians, 20 per cent. for contingencies, and three repairing steamers. The annual expenditure by the Pacific route, as far as the mainland of British Columbia, is estimated at £48,200, which includes seven stations, six electricians, 20 per cent. for contingencies, and two repairing steamers. I have not calculated the expenses across Canada and thence to England, because so much depends on the nature of the arrangement to be made.

18. I have shown, I think sufficiently, that £200,000 may be taken to fully cover annual working expenses, and this added to £175,000 for interest, and £50,000 (to commence with) for maintenance and new lines, will give together £425,000 as the yearly expenditure. There will, besides, be for a few years the cost of existing subsidies, amounting to about £37,000 annually, including the Tasmania cables subsidy.

19. The work that two cables can perform on the duplicate system, supposing every minute of the year to be occupied, and that the cables are up to the standard usually required, amounts to over 21,000,000 of words a year. There would be no difficulty, if the demand required it, in getting through 10,000,000 of words on the two lines, besides a very large number of words between the intermediate stations. Whatever the routes taken may be, there will be many intermediate stations on which there will be a large demand for communication. I estimate the intermediate communication to be worth a third of the through communication; and in taking 10,000,000 of words as the capacity of the through communication, I have left a large margin for intermediate traffic.

20. In the estimates I am about to make I take the through traffic at 5,000,000 of words, leaving a margin of 5,000,000 capacity for increases. The question now arises, will there be a demand sufficient to overtake 5,000,000 of words? It evidently means a large amount of matter. To give a better idea of it, I may say it represents somewhat less than seven closely-printed newspaper columns each day, Sundays included. It represents, moreover, about seven times the present through traffic between Australia and Europe. It represents about a seventh of the Atlantic yearly cabling since the late reductions in rates. It represents a little over an eighth of the number of words telegraphed yearly within New Zealand. It must be borne in mind that I am not estimating only the through messages between Europe and Australia. If the line go by the Cape there will be through messages to and from Europe and Ceylon, Mauritius, Natal, and the Cape, to say nothing of less important places. If the line go by the Red Sea, there will be Java (which, I am informed, uses the cable largely), Singapore, and possibly, according to the nature of the agreement made, some other important stations for through traffic. If the line go by the Pacific, there will be Fiji, Honolulu, and probably branches from New Caledonia, and Tahiti, and possibly branches from China and Japan. Irrespective of these reliefs, I am strongly of opinion that, with the great reduction in cost, cabling between Australasia and England will soon become as common as it is now rare, and that it will be used for numberless purposes to anticipate correspondence, as also to carry on large financial transactions such as have grown up between the United States and England, and are unknown to Australasia.

21. I will give an estimate of receipts on the basis I have indicated (exclusive of Australian land charges) as follows:—

Estimate, with tariff of 1s. 6d. and 1s., and intermediate traffic:—

2,500,000 words at 1s. 6d.....	£ 187,500
2,500,000 words at 1s.....	125,000
Intermediate traffic.....	100,000

Total.....£ 412,500

This estimate shows a small loss at first, which divided between the Governments would be inconsiderable. It would be covered by the saving which would be effected if the Imperial Government guaranteed the loan, or by the subsidy which it should give in lieu of a guarantee. In any case, the development of traffic between the large number of important centres concerned would soon convert the deficiency into a surplus. The above estimate only absorbs about half the capacity of the cables. I have purposely not taken into account the competition of the existing companies, if they fail to come to terms with the Governments. Any opposition of theirs will be only temporary. They cannot with their costly arrangements, afford such low rates, and if the Governments do not buy them out, there will be much less money on which to pay interest.

22. The responsibility should, in my opinion, be divided in such manner as might be agreed on, based either on population or on the use of the cable, or partly on both, or possibly it will be found easier to fix the division by mutual agreement.

23. It would be very desirable that the Postmasters General of the various colonies should meet and discuss the whole question. If a combination of the kind I have indicated cannot be arranged, then the Governments should consider what is the next best course to pursue. The existing companies are anxious to make arrangements, but all their proposals lead to maintaining the present monopoly and to depending only on one route. If the colonies are not inclined to undertake the charge of the business, they should aid another company by another route, so as to secure two routes and competition.

24. If care be taken in any agreement entered into with a new company to give ample power to the Governments to buy out the cables constructed, an arrangement with such company might be made the stepping stone to the absorption by the Governments of two cable systems, as proposed in this memorandum.

25. I may, in conclusion, express the hope that weight will not be attached to the usual arguments which, on behalf of the existing companies, will be put forth



in opposition to the proposals herein sketched out. It will probably be alleged that cheapness will not materially increase traffic, that the business is risky, that cables cannot safely be laid in deep waters, and that competition has a weakening effect. It may also be argued that the Indian Government will throw obstacles in the way. The companies always seem unmindful that the Government of India might do a great deal more for English Colonial Governments than for commercial companies, whose operations concern not only the colonies, but other countries, such as China and Japan. The arguments referred to have misled many people, myself, I confess, amongst the number. It is owing to belief in them that for so many years private enterprise has monopolized the control of the most valuable adjunct to the material and intellectual improvement of the populations scattered over the globe. All that can be said of the Governments retaining the charge of land telegraphy can be repeated with greater force with regard to taking possession of the means of cable communication between the various portions of Her Majesty's dominions. To allow such communication to be taxed for private profits is more out of harmony with the spirit of the age than would be a renewal of a tax on window glass or printing paper.

JULIUS VOGEL.

WELLINGTON, 5th February, 1887.

IV.—17.

INDIAN TRANSIT RATES FOR TELEGRAPHIC MESSAGES.

*Colonial Office to India Office.*

DOWNING STREET, 20th April, 1887.

SIR,—I am directed by Secretary Sir H. Holland to state for the information of the Secretary of State for India, that, at a meeting of the Colonial Conference to-day upon the subject of telegraphic communication, the telegraph rates between Bombay and Madras came under consideration, and I am to state that Sir H. Holland will be much obliged if Viscount Cross will enable him to inform the Conference at their next meeting on this subject what are the reasons which render it necessary that messages between England and Australia should be charged from Bombay to Madras 75 centimes per word, while Indian messages are charged only 22½ centimes for the same distance, or 45 centimes if the message is urgent.

Sir Henry Holland would be glad if he could be favored with an early answer as to the reasons for these differential rates, for the subject will be brought forward again in a very few days.

I am, &c..

JOHN BRAMSTON.

The Under Secretary of State,  
India Office.

IV.—18.

*India Office to Colonial Office.*

INDIA OFFICE, WHITEHALL, S. W., 21st April, 1887.

SIR,—I am directed by the Secretary of State for India to acknowledge receipt of Mr. E. Wingfield's letter of yesterday's date, asking for information on the subject of Indian transit rates for telegraphic messages to Australia from this country in view to its being communicated to the Colonial Conference, which is now being held.

In reply, I am directed by Viscount Cross to transmit copy of a despatch\* received from the Government of India, in the early part of last year, which sets forth clearly their views on this subject.

I have, &c.,

JOHN E. GORST.

The Under Secretary of State,  
Colonial Office.

#### IV.—19.

### GOVERNMENT OF INDIA.—PUBLIC WORKS DEPARTMENT.

#### TELEGRAPH.

To the Right Hon. LORD RANDOLPH CHURCHILL,  
Her Majesty's Secretary of State for India.

Despatch No. 26 T. of 29th October, 1885.

Telegram, dated 28th November, 1885.

Despatch No. 28 T. of 26th November, 1885.

Telegram, dated 15th December, 1885.

Despatch No. 30 T. of 17th December, 1885.

FORT WILLIAM, 2nd February, 1886.

MY LORD,—We have received the communications noted above on the subject of the Indian transit rate on telegraphic traffic with countries east of India, and before explaining in detail the reasons that have led us to reject the demands for reduction, we have the honor to lay the following brief recapitulation of the circumstances of the case before your Lordship.

2. The Eastern Extension Company has the monopoly of the cable routes in the eastern seas; the Governments of Australia are entirely dependent on the company's lines for their external telegraphic communications, and the company's cable to Australia was laid under an agreement with the Australian Governments under which the company receives a large subsidy; to this subsidy, two of the Australian Governments (Queensland and New Zealand) have, we understand, refused to contribute, and, under the terms of the agreement, the company is, we believe, debarred from giving the benefits of any reduction that may be made to States which do not contribute towards the subsidy. The tariff on messages between England and Australia is very high, so high as to be almost prohibitive, and the main cause of this, as will be seen from the figures noted here,

	Rate per word. Francs.
Administration—	
Eastern Telegraph Company—England to Bombay.....	3-50
Indian Government transit rate.....	75
Eastern Extension Company—India to Port Darwin, including Australian terminal rate.....	8-65
Total.....	12-90

is the high rate charged by the Eastern Extension Company for the share of the work it performs. The Australian Governments are now endeavoring to procure a reduction in the Eastern Extension Company's rates, and the company has admitted that a reduction of 2s. (more than three times the entire amount of the Indian share) might fairly be made; but notwithstanding this admission, and the probability that in view to sharing in the reduction when made, both Queensland and New

\* Dated 2nd February, 1886.

Zealand would consent to subsidize, the Company refuses to make any reduction at all unless the Indian Government responds by making a proportionate reduction in its share.

3. The Australian Governments having made a bad bargain with the company are not in a position to secure fair treatment for themselves except on the company's terms. The company having other ends to serve insist, as a part of their terms, that pressure shall be brought to bear on the Indian Government. The views of the company are not brought out in the correspondence forwarded by your Lordship, but they are frankly stated by the Chairman (Mr. Pender) in his address to the shareholders on the 10th November last\* to be the appropriation by the company of the entire Indian transit earnings, out of which a portion is to be given to the Australian Governments in recognition of their aid in bringing pressure to bear on us; the Indian Government is to be relieved of the cost of maintaining and working the short route from Bombay to Madras (830 miles), but maintenance of the long route from Bombay to Rangoon (2,516 miles) is apparently to be left to us with the revenue from such fraction of the traffic as the Eastern Extension Company may find itself unable to divert to the southern route.

4. The question that we have before us is reduced to this—how far should we be justified in risking the interests of this country in order to extricate the Australian Governments from their dilemma, and to secure for them an advantage for which they have no claim on this country, but to which they are certainly in equity entitled. We need hardly add that if we could meet the wishes of the Australian Governments without sacrificing the just right and claims of this country, we should willingly and readily do so.

5. The shape in which the demand was originally put forward was a request for the introduction of a differential tariff, the transit rate to be reduced for the short route between Bombay and Madras, and the rate for the long route between Bombay and Rangoon to be proportionately enhanced. The advantages of a uniform tariff in simplicity and convenience have been consistently maintained by us from the first; and in 1876, when the Rangoon-Penang cable was laid, and the alternative route completed by the preparation of the Bombay-Rangoon section as an international line, we offered, in order to secure these advantages, to accept 75 centimes as the uniform rate instead of 1 franc which we might have fairly claimed. Our views on this point have steadily gained ground in other countries, and from the report by our delegates on the recent conference at Berlin, we learn (para. 12) that uniformity of transit rates will in future be the rule in Europe. It would under any circumstances have required very convincing reasons to induce us to depart from a principle which, after we have consistently advocated it for many years, has at last been generally recognized; but in the present case there are special reasons why the general principle should not be departed from.

6. The route *via* Rangoon was adopted at the instance of the company, and to meet the company's wishes. The failures of their Madras-Penang cable had rendered it a matter of vital importance to provide an alternative line; the natural course would have been to have laid a duplicate cable from Madras to Penang, but in adopting the route *via* Rangoon instead, the company shortened their route by 600 miles and saved the cost of that length of cable, while the length in India was increased from 830 miles to 2,516 miles; and the proportions were altered from 830 miles in the Indian territory and 4,000 miles of cable beyond, to 2,516 miles in India territory and 3,400 beyond. The maintenance of the alternative line for use during failures of the Madras-Penang cable is absolutely essential, and in its capacity as an alternative line it brings in no additional revenue whatever. Its maintenance simply represents an insurance expenditure, and if the transit rate accepted for the use of the original short line only were extended to the alternative line, the Indian Government would receive no return whatever for the vastly increased expenditure entailed by the altered proportions of services rendered.

7. Further, the company having the entire control of the westward traffic has the power of diverting the whole of that traffic to the original southern route, and if the Indian transit rate were enhanced on the alternative route, there is no doubt that the westward traffic would be so diverted, the enhanced transit rate would only be leviable during interruptions of the other cable, while no reduction could be made in the cost of maintaining it in a thoroughly efficient state.

8. On the other hand, the enhancement of the transit rate on the alternative line would unfairly weight the traffic served by the new International line from Siam and by any extensions that may in the future be developed in that direction. The company's object naturally is to secure as large a share of the total traffic as possible, and from their point of view the adoption of differential rates is manifestly desirable; but we are bound to consider the question from a broader standpoint, and, while we fully recognize the claim which an undertaking like that of the Eastern Extension Company has to generous treatment, it is our duty to safeguard our communications in all directions and to prevent any one route being starved to the undue advantage of another. We have no hesitation in maintaining that our treatment of the company in the past has been liberal in the extreme, and we have no desire to treat it otherwise than liberally in the future.

It will, we trust, be clear from what we have written that the adoption of differential transit rates is out of the question, even if we had only to consider the claims of the Eastern Extension Company; but beyond this we have transit traffic from the Indo-European lines and from Siam to deal with; our international transit routes vary from about 300 to about 3,000 miles in length; if the principle of differential rates were once admitted, we should be compelled to extend them to all, and we should have no less than seven distinct transit rates resulting in a complication of the tariff to an extent that would be intolerable.

9. It remains now to consider whether the uniform rate at present in force is or is not equitable. It is asserted by the Australian Governments that the Indian transit rate is excessive (1) in equity, and (2) in policy, and the assertion is supported by a comparison between the Indian transit rates and the rates charged in India for inland messages.

10. To deal with the first point, we think that we can satisfy your Lordship that the Indian transit rate is moderate in equity—(1) in regard to the work done, (2) in regard to the rates charged by the Eastern Extension Company, and (3) in regard to the inland message rates in India. As to the first point, we invite your Lordship's attention to our despatch, dated 21st July, 1876, in which, while offering the rate of 75 centimes, which was accepted and is still in force, we showed that we might fairly have claimed 1 franc. As to the second point, it must be remembered that in addition to the alternative line to Rangoon on the east, we have to maintain alternative lines to Karachi on the west, to provide against interruption through failure of the Eastern Company's cables and to serve the Indo-European route; we have therefore to maintain on account of this system the following lines of international wires:—

	Miles.	Miles.
Bombay to Madras (mean distance of two routes)...	830	
Karachi to Bombay.....	844	
Total to serve the Madras-Penang cable.....	1,674	
Bombay to Elephant Point.....	2,516	
Allahabad to Karachi.....	1,188	
Total to serve the Rangoon Penang cable.....	3,704	
Grand Total.....	5,378	

exclusive of the Siam International line, which may be omitted for the purposes of the present calculation. The length of cables maintained by the Eastern Extension Company in connection with this service are—

	Miles.
Madras to Port Darwin.....	4,000
Penang to Rangoon.....	900
Total.....	4,900

11. It is impossible to make an exact comparison of the fair relative charge for the use of a cable system with that for the use of a land line system; but where the establishment and maintenance of land lines offer no particular difficulties and involve no unusual expenditure, one mile of cable has, we believe, hitherto been accepted as equal to three of land line in determining tariffs; in exceptional localities and tropical countries like India these proportions are obviously too favorable to the cables.\* They may be accepted, however, for ordinary lines, but for those which are placed in admittedly difficult parts of the country, such as from Calcutta to Rangoon, the charges should bear a proportion of not less than 2 for the land line to 3 for the cable. On this very liberal basis the rates charged should bear the proportions arrived at, as follows:—

*Indian Land Lines.*

	Miles.
Total length as in preceding paragraph.....	5,378
Add for doubling the Calcutta-Rangoon line.....	1,100
Total.....	6,478

*Eastern Extension Company's Cables.*

Total length as in preceding paragraph.....	4,900
Add for trebling the whole distance.....	9,800
Total.....	14,700

or as 1 to  $2\frac{1}{2}$  nearly.

Even if we omit the lines maintained for the Indo-European Telegraph Company's service, which are an essential portion of the system, and take into account only the communications kept up for the Eastern Extension Company's traffic to Bombay, the proportions become 1 to rather less than  $4\frac{1}{2}$ .

12. The Indian rate is 75 centimes a word;  $2\frac{1}{2}$  times this amount would be 1.69 francs;  $4\frac{1}{2}$  times the Indian rate would be 3.375 francs. The actual charge made by the Eastern Extension Company is 8.65 francs, including the terminal rate for Australia. What that terminal rate is we are not aware; it certainly ought not to exceed 1.65 franc, and this leaves the company with a rate of 7 francs, or nearly ten times the rate charged by India, and yet the Indian rate is denounced as excessive.

13. We now turn to the comparison of our transit rate with our rates for inland messages. It is asserted that in comparison with our inland rates, our transit rate is excessive; even if this were so, the fact of our adopting an excessively low rate to encourage our own internal traffic and for the benefit of our own taxpayers would be no argument for claiming that the same benefits ought to be extended to outsiders; but we think we can convince your Lordship that it is not the case. Transit messages are treated with exceptional care, and the utmost possible speed is secured for them. An inland "urgent" message approaches this class most nearly, and is charged for at the rate of four annas (=50 centimes) a word; but these inland

\*The cost of the cable recently laid from Jask to Bushire was £150 per mile. The average cost of first class land line in India is about half that sum, and the maintenance expenditure is far greater in the latter.

telegrams consist almost entirely of words in plain English, while transit messages are almost invariably made up of unconnected code words. It is estimated—and we do not think that any telegraph administration will dispute the estimate—that it is at least four times as difficult to transmit code messages as it is to transmit messages in plain language; and if we charged in strict proportion to work done, a transit rate of 2-00 francs would more nearly correspond with an inland “urgent” rate of 4 annas.

14. It will now, we trust, be abundantly clear to your Lordship that while a differential tariff is out of the question, the uniform rate at present in force, so far from being excessive in equity, is extremely moderate, whether viewed from the standpoint of work done for the money, or of the charges levied by the complaining company, or of our own charges for inland traffic; and that so far as this is concerned, there is no ground whatever for yielding to the demand; the moderation of our uniform rate has been freely admitted apart from the present discussion.\*

15. The question of policy alone remains; the Australian Governments urge that “at a time when all the other Governments of the world are making really “liberal and costly concessions to facilitate the transmission of telegraphic messages,” they do not believe that “the Government of Her Majesty the Empress will wish to “stand alone in maintaining a system of overcharge.” We have already shown that this “system of overcharge” has no shadow of existence in fact, and we need hardly remind your Lordship that in liberal reforms of this nature the Government of India has ever been foremost to support and encourage them. But in all cases of this nature of which we are aware, there have been contingent benefits to the country granting the concession. In the present case the reduction proffered by the Australian State is a domestic matter directly for the benefit of its own subjects, while the reduction pressed upon us is entirely in the interests of other administrations.

16. India is not now in a position to make any gratuitous sacrifice of revenue whatever, still less would it be politic to yield to a demand which is openly declared to be made with a view of eventually wresting from this country the whole of its transit revenue. If the rates of all the administrations concerned were at present on a fair and moderate basis, and a proportionate reduction all round were proposed in the general interests, the case would wear a totally different aspect, and the question of policy would arise; as the case really stands, it is simply an attempt on the part of the companies to obtain an unfair advantage, and neither in equity nor in policy can we perceive anything which would justify us in saddling the people of India with the reduction asked for.

We have, &c.,

DUFFERIN,  
F. S. ROBERTS,  
C. P. ILBERT,  
S. C. BAYLEY,  
T. C. HOPE,  
A. COLVIN,  
T. E. HUGHES.

#### IV.—20.

### TELEGRAPHIC COMMUNICATION WITH AUSTRALIA.

THE EASTERN EXTENSION AUSTRALASIA AND CHINA

TELEGRAPH COMPANY (LIMITED), WINCHESTER HOUSE,  
50, OLD BROAD STREET, LONDON, 18th April, 1887.

DEAR SIR HENRY HOLLAND,—I have the pleasure to send you the following papers:—

\* Vide para. 12 of the report by our delegates at the recent Conference at Berlin.

1. A proposal to the Australasian Governments for a reduction of tariff under their guarantee.\*

2. Tables showing apportionment of the guarantee at a 4s. and 2s. 6d. tariff.

The latter rate, however, would be entirely dependent on the assent of the Governments of India, Germany and Russia, whose representatives are at present opposed to it, as they do not see their way to reduce the existing tariff of 4s. per word to India, and consider it would be most difficult to maintain such a tariff if the rate to Australia were reduced to 2s. 6d. Probably, however, a 4s. tariff will be a sufficient reduction for the moment, and if the change entailed no serious loss to the Governments, the 2s. 6d. tariff might be considered later.

3. A memorandum relative to the proposed Pacific cable, which accompanied the proposal to the colonies.†

4. A memorandum in reply to Mr. Heaton's paper in the "Pall Mall Gazette."

The absurdity of his statement that a 1s. tariff between London and Australia would pay well is shown by the fact that out-payments which amount to 1s. per word would have to be made, even at the low rate now prevailing across the Atlantic, but which rate, in all probability, before long, will be increased to 1s. 6d., in which case the out-payments alone would amount to 2s. per word. Further comment is unnecessary.

If reference is in any way made to the existing companies as a monopoly, my answer is that it has been so created by the great energy and enterprise with which the companies have carried on their extensions. It is true that the system has now become so widespread that no unaided combination could successfully compete with it; and we cannot for a moment imagine that Governments would subsidize an opposition scheme where the work is so thoroughly well done as it is by the existing companies. We have invariably followed the British flag and trade, and figures can be produced in proof of the enormous impetus the submarine telegraphs have given to the development of commerce between this country and the colonies.

I would also draw your attention to the fact that while it has been made a monopoly through the circumstances I have stated, we have never used it as such, or in any sense in a narrow spirit. In war times we have generally carried telegrams for the wounded free of charge, and we also made the same concession during the Irish famine; and while the Colonial Exhibitions were going on the value of the telegrams carried free between the Executives and the Colonial Governments amounted to between £16,000 and £17,000. In addition to these, I could give you many other instances where we have acted in an equally liberal manner, and I hope, when the question is discussed at the Conference, that the above circumstances will be remembered.

Our system is now very much in touch with Her Majesty's Government, and we have letters from the Foreign Office to the effect that whenever discussions take place in regard to submarine telegraphs, we shall have full information on the subject, and representation during such discussions.

I therefore hope that the Colonial Office, looking to the vast interests involved in the submarine telegraph system, will grant to the companies similar recognition on the present occasion.

Faithfully yours,

JOHN PENDER.

The Right Hon. SIR HENRY HOLLAND, Bart., G.C.M.G., M. P., &c., &c.,

\*See Appendix III in No. 34, pages 112 to 116.

† See Appendix III in No. 34, pages 114 to 116.

[Enclosure 1 in No. 37.]

## TABLES.

## PROPOSITION OF THE EASTERN EXTENSION COMPANY TO THE AUSTRALASIAN COLONIES, SUBJECT TO THE APPROVAL OF ALL THE INTERESTED ADMINISTRATIONS.

That they should guarantee to the companies carrying Australasian telegrams viz.:—The Eastern, Indo-European, and Eastern Extension companies, their annual revenue based on the average of the three years ended 1885, and make the through tariff 4s per word.

Average annual receipts of the three companies:—

	£	£	£
Eastern.....	51,338		
Indo-European.....	7,669		
Eastern Extension.....	124,221		
		183,228	
Revenue at 4s. rate based on average of three years to 1885.....		63,983	
			119,245
Amount to be made up if no increase took place.....			119,000
			£
25 per cent. increase based on traffic three years to 1885			103,000
50 do do do do			87,000
75 do do do do			71,000
100 do do do do			55,000

## APPORTIONMENT OF GUARANTEE.

Colony.	Population based on 1884 Statistics.	Existing Subsidies paid by Australian Colonies to Eastern Extension Company.	Amount to be contributed in addition to existing Subsidies if Tariff reduced to 4s. per word, and Traffic increased by			
			25 per cent.	50 per cent.	75 per cent.	100 per cent.
		£	£	£	£	£
Victoria.....	961,276	14,479	30,625	25,867	21,110	16,353
New South Wales.....	921,268	12,617	29,350	24,792	20,232	15,672
South Australia.....	312,781	4,805	9,965	8,416	6,968	5,521
Western Australia.....	32,958	499	1,050	887	724	580
New Zealand.....	564,304	.....	17,978	15,185	12,393	9,599
Queensland.....	309,913	.....	9,873	8,340	6,806	5,274
Tasmania.....	130,541	4,200	4,159	3,513	2,867	2,221
Total.....	3,233,041	36,600	103,000	87,000	71,000	55,000

PROPOSITION of the Eastern Extension Company to the Australasian Colonies, subject to the approval of all the interested administrations, including the German and Russian Governments.

That they should guarantee to the companies carrying Australasian telegrams, viz.:—The Eastern, Indo-European, and Eastern Extension Companies, their annual revenue based on the average of the three years ended 1885, and make the through tariff 2s. 6d. per word.



## Average annual receipts of the three companies:—

	£	£	£
Eastern .....	51,338		
Indo-European .....	7,669		
Eastern Extension .....	124,221		
		183,228	
Revenue at 2s. 6d. rate based on average of three years to 1885 .....		35,220	
			148,008
Amount to be made up if no increase took place .....			148,000
			£
Increase of 25 per cent. would reduce it to .....			139,195
do 50 do do .....			130,390
do 75 do do .....			121,585
do 100 do do .....			112,780

## APPORTIONMENT OF GUARANTEE.

Colony.	Population based on 1884 Statistics.	Existing Subsidies paid by Australian Colonies to Eastern Extension Company.	Amount to be contributed in addition to existing Subsidies if Tariff reduced to 2s. 6d. per word, and Traffic increased by			
			25 per cent.	50 per cent.	75 per cent.	100 per cent.
		£	£	£	£	£
Victoria .....	961,276	14,479	41,389	38,769	36,150	33,534
New South Wales .....	921,268	12,617	39,664	37,156	34,646	32,136
South Australia .....	312,781	4,805	13,466	12,615	11,762	10,910
Western Australia .....	32,958	499	1,419	1,330	1,240	1,149
New Zealand .....	564,304	—	24,295	22,758	21,222	19,685
Queensland .....	309,913	—	13,342	12,498	11,655	10,811
Tasmania .....	130,541	4,200	5,620	5,264	4,910	4,553
Total .....	3,233,041	36,600	139,195	130,390	121,585	112,780

[Enclosure 2 in No. 37.]

## MEMORANDUM ON THE PAPER BY MR. HENNIKER HEATON, M.P., IN THE "PALL MALL GAZETTE," OF 2ND APRIL, 1887.

The principal points of Mr. Heaton's paper are:—

1. That the existing telegraphic communication with Australasia and India is insecure by reason of its passing through foreign and possibly hostile territories.

2. That the Canadian Pacific route would not be exposed to the ill-will of other nations, but would be under exclusive British control.

3. That the existing rates are excessive, because they are calculated on the basis of mis-spent millions of capital, and that a tariff of 1s. per word would pay well.

In regard to the first point, what are the facts of the case?

The route followed by the existing cables is from England to Lisbon, thence to Gibraltar, thence through the Mediterranean to Malta, Alexandria and Port Said, passing through the Suez Canal and the Red Sea to Aden and Bombay. From Bombay the traffic passes over the Government land-lines across India, and is taken on by the cables from Madras or Rangoon to Penang, Singapore, Java and Port Darwin.

Consequently the only foreign territories at which the existing cables touch are Portuguese, Egyptian and Netherlands Indian. The expediency of laying a new cable direct from England to Gibraltar is, however, under consideration by the Eastern Company, and as Egypt is under British influence the existing communication may be said to be practically under British control the whole way. It is, moreover, entirely worked by English operators, and is duplicated (in some sections triplicated) throughout. It also follows the trade route, where British cruisers would be most frequently met with in time of war, and for the most part the cables lie in moderate depths of water, where they can be easily and speedily repaired when interrupted.

This communication was established by the Eastern and Eastern Extension Companies in 1871 without subsidy or assistance of any kind from the colonies or the Imperial Government, and it was only in 1880, when the importance of telegraphy became more fully recognized, and a duplicated system a public necessity, not because a single line was unequal to the transmission of the traffic, but in order to make the system more reliable, that the colonies of Victoria, New South Wales, South Australia and Western Australia, agreed to give the Extension Company a subsidy of £32,400 per annum for twenty years, to enable it to duplicate the cables between India and Port Darwin. In return for this the company consented to carry Government and press telegrams at half and quarter rates respectively over its cables. At first the Government of New Zealand joined in the subsidy, but after twelve months' contribution withdrew from the arrangement.

Now let us examine the plan advocated by Mr. Heaton, which is apparently a copy of Sir Julius Vogel's, but with the important exception that New Zealand is left out of the connexion. He suggests that an alternative line to Australia should be established by laying cables from—

Vancouver to Fiji .....	Miles. 5,236
and	
Fiji to Brisbane .....	1,764
Total .....	7,000
to be worked in connexion with the existing British Government lines between—	
London and Valentia .....	600
Valentia to Canada (by the Atlantic cables).....	1,900
And thence to Vancouver by the Canadian Pacific land line	3,400
Making a total distance of .....	12,900

It would, however, be physically impossible to work through such a long stretch of cable as from Vancouver to Fiji without re-transmission, and it would therefore be necessary to land at one of the Sandwich Islands (say Honolulu, as proposed by the promoters of the Pacific Cable Company), in which case the communication would not be under exclusive British control as contended by Mr. Heaton.

A single line of cables across the Pacific would, moreover, be necessarily subject to frequent interruptions, as they would consist of long stretches across enormous and only partially surveyed depths, terminating on coral reefs. From the soundings taken by the SS. "Tuscarora" between San Francisco and Australia great inequalities of ground appear to exist. For instance, between San Francisco and the Sandwich Islands the depths vary from 400 fathoms to 3,200 fathoms, the general depth being over 2,500 fathoms. By the second line of soundings between San Francisco and the Sandwich Islands, taken by the same vessel further south, the depths seem to be more regular, but they mostly exceed 2,500 fathoms. From the Sandwich Islands to Fiji the ground varies from 400 to 3,400 fathoms, the inequalities being particularly noticeable between the Phoenix and the Fiji Islands. The general depth is about 3,000 fathoms. Between Fiji and Brisbane there are also

considerable inequalities, the depths varying from 2,600 fathoms to 460. Superiority of cable ground cannot, therefore, be claimed for this route over the route followed by the existing cables.

The Canadian Pacific land line, passing as it does through exposed and stormy regions, would also at certain seasons of the year be very difficult to maintain. Only a few days ago a telegram from Halifax appeared in the newspapers stating that "the six days' block on the Intercolonial Railway had been raised, but before the "trains could be moved any distance another furious snowstorm set in and the line "was blocked worse than before."

The figures (7,000 miles) given by Mr. Heaton for the cables between Vancouver and Australia differ very materially from those put forward by the promoters of the Pacific Cable Company and Mr. Sandford Fleming, namely, 8,300 and 8,900 miles respectively. Mr. Heaton has apparently made little or no allowance for slack, which in such great depths of water could not be calculated at less than 20 per cent.

Assuming, however, for the sake of argument, the accuracy of Mr. Heaton's calculations, the cost of the Pacific cables would be about £1,400,000.

Before, however, reaching Vancouver, working arrangements would have to be made with the lines of the British Government, the Atlantic cable and the Canadian Pacific administrations for transmission of the telegrams between England and the Pacific cables, and the out-payments to these administrations could not, under the most favorable circumstances, amount to less than 1s. per word, but would probably be 2s. per word when the war of tariffs in the Atlantic is terminated, it having already been abundantly demonstrated that a 6d. rate is insufficient to give a fair return on the capital invested in the Atlantic.

For instance, the out-payments to the—

	s. d.	s. d.
Atlantic cable would be.....	0 6 or more probably.	1 6 per word.
Canadian Pacific land line...	0 2½ .....	0 2½ do
English and Australian line	0 3½ .....	0 3½ do
	<u>1 0</u>	<u>or 2 0 per word.</u>

consequently the whole of the tariff which Mr. Heaton considers would be so remunerative would undoubtedly be swallowed up by other administrations, leaving nothing whatever for the Pacific cables.

Assuming that the out-payments would not exceed 1s. per word, and that one half of the existing traffic with 100 per cent. increase in consequence of the reduced tariff was carried by the Pacific cables, a rate of 4s. 8d. per word would be required to pay working expenses only as shown by the following figures:—

Length of Pacific cables.....	7,000 miles.
Capital, say.....	£1,400,000
Tariff .....	4s. 8d. per word.

made up as follows:—

	s. d.
For Pacific cables .....	3 8 per word.
Atlantic cable and English, Canadian Pacific, and Australian land lines (say) .....	1 0 do
Total .....	<u>4 8 per word.</u>

#### Expenses.

	£	£
Cost of four stations and London expenses.....	20,000	
Two cable steamers and repairs.....	40,000	
Amortization to renew cables in 20 years.....	50,000	
	<u>110,000</u>	

	£	£
<i>Receipts.</i>		
Half of existing traffic, with 100 per cent. increase,* say 600,000 words, at 3s. 8d. per word.....		110,000
To give a return of 5 per cent. on the capital, a rate of 13s. per word, or 41 per cent. more than the existing tariff, would have to be charged as follows :—		

<i>Expenses.</i>		
As above.....	£ 110,000	£
Interest at 5 per cent.....	70,000	
	<u>180,000</u>	

<i>Receipts.</i>		
Half of existing traffic without any increase,† say 300,000 words at 12s per word (1s. in addition for out-payments).....		180,000
Without amortization, and with only one cable steamer, a tariff of 4s. 8d. per word would be required to meet expenses and give 5 per cent. return on the capital, as follows :—		

<i>Expenses.</i>		
Cost of four stations and London expenses.....	£ 20,000	£
One cable steamer and repairs.....	20,000	
	<u>40,000</u>	
Interest at 5 per cent. on capital.....	70,000	
	<u>110,000</u>	

<i>Receipts.</i>		
Half of existing traffic, with 100 per cent. increase, say 600,000 words at 3s. 8d. per word.....		£ 110,000

With regard to the Canadian Pacific cable being used as an alternative route from Europe to India, Mr. Heaton omits to state that from Adelaide to India the telegrams would have to pass over the lines of the South Australian Government and the Eastern Extension Company, the out-payments on which would amount to 7s. 10d. per word, making the total rate to India *via* the Pacific 12s. 6d. per word as against 4s., the existing charge by the Eastern Company's route.

It might, however, be contended that these out-payments could be avoided by laying an independent cable between Australia and India. Such a connexion would, however, involve an expenditure of half-a-million sterling, and the working expenses alone would be nearly eight times as great as the whole traffic between Australia and India is worth.

Cable from Western Australia to India—2,900 miles, costing (say)	£ 500,000
------------------------------------------------------------------	-----------

<i>Expenses.</i>		
Say two stations at £2,000 each.....	£ 4,000	£
Amortization to renew capital in 20 years.....	17,700	
Steamer and repairs.....	20,000	
	<u>41,700</u>	

\* This increase could not be expected at once, but would in all probability take a considerable time to realise.

† No increase could be expected with such a high tariff as 13s.

*Receipts.*

Revenue of the Eastern Extension Company from existing traffic  
between India and Australasia..... 5,500

making it impossible for the public to use such a route except at a greatly increased cost.

The only subsidies other than the £32,400 above referred to received from the British and Colonial Governments are:—

Amount per Annum.	Government.	For
£		
35,000	British .....	South African Cable.
15,000	Cape of Good Hope .....	do
5,000	Natal .....	do
19,000	British .....	African Direct Cable.
19,660	British Colonies .....	West India Cables.
1,000	British .....	Malacca connexion.
4,200	Tasmania .....	Tasmania Victoria Cable.
98,800		

and without which subsidies the cables could not have been laid, as the traffic would have been totally inadequate to justify the necessary expenditure.

The statement that the existing tariffs are calculated on the basis of millions of mis-spent capital displays Mr. Heaton's ignorance of the subject, in proof of which I may mention that the whole of the cables of the Eastern and Eastern Extension Companies now stand in their books at an average value of less than £200 per knot, which would be very little in excess of the contract price of the present day for similar types of cable.

## IV.—21.

## PROPOSED CABLE FROM VANCOUVER ISLAND TO AUSTRALIA.

PACIFIC TELEGRAPH COMPANY (Limited) 34 CLEMENT'S LANE,  
LONDON, 20th April, 1887.

SIR,—We are deputed by the Pacific Telegraph Company (Limited), to furnish to you, for the information of the Conference, a proposal which it is intended to submit on behalf of the company to the Imperial Governments, and to the Governments of Canada, Victoria, New South Wales, Queensland, South Australia, Western Australia, New Zealand, and Tasmania.

We are also deputed to attend the sittings of the Conference in person if desired, in order to give any further information that may be wished for.

*Proposal.*

The company to lay and maintain a cable from Vancouver Island to Australia, touching at the Sandwich Islands, Fanning Island, Samoa, Fiji, and New Zealand.

The company to reduce the existing through rates from Great Britain to Australasia by at least one-half.

The Imperial Government and the Colonial Governments above referred to to furnish to the company, in such proportions as they may agree upon, a subsidy of

£100,000 per annum for 25 years; each Government to have during that period the free use of the company's cable for Government messages to the full amount of its proportion of the subsidy at current rates.

The company to give Government messages precedence over ordinary messages.

We have, &c.,

MURRAY FINCH HATTON.  
RANDOLPH C. WANT.

To the Right Hon. Sir HENRY THURSTON HOLLAND, M. P.,  
&c., &c., &c.

#### IV:—22.

#### PROPOSED NEW CABLE TO CANADA.

THE CANADIAN CABLE COMPANY (LIMITED),  
13 DELAHAY STREET, GREAT GEORGE STREET,  
WESTMINSTER, S.W., 23rd April, 1887.

SIR,—In accordance with a request contained in a letter from the High Commissioner of Canada, dated the 12th April, 1887, I have the honor to submit, for the consideration of the Colonial Conference, the prospectus and plans\* of the company for a submarine cable between this country and Canada, making the starting point either at Glasgow or the north-west coast of Ireland, and terminating in the Gulf of St. Lawrence *vid* the Straits of Belle Isle, either at Gaspé or at a point to be determined upon a little further south.

The object of this cable would be to form a connecting link and route, entering through British territory for the Canadian and Canadian Pacific telegraph lines, and also from the trans-Pacific and colonial cables, which it is hoped may be laid to the Australian Colonies, China and Japan, and maintain the same at a maximum rate of 6d. per word between this country and Canada. The figures and returns which I should be glad of the opportunity of laying before the Congress, and explaining the same, fully prove that 6d. per word is a sufficiently remunerative rate for trans-Atlantic messages for any company not burdened with unproductive capital, or trammelled with engagements made under pressure of competition. Landing rights have already been granted, and a concession is held for an alternative route *vid* Iceland to be subsequently laid, and it is hoped that the question of connecting Bermuda with England *vid* Canada will be deemed of sufficient importance to be provided for by the English Government, when the subsidy, which it is understood Her Majesty's Government were prepared to give, may be granted to this company.

I enclose three draft prospectuses\* which set forth the commercial aspect of the question; and may add, in conclusion, that it is so influentially supported that no doubt need exist as to the completion of the cable so soon as the necessary preliminaries are settled.

Yours faithfully,

WALTER WOOD.

The Secretary, Colonial Conference.

\* Not printed.

## IV.—23.

## TELEGRAPHIC COMMUNICATION WITH AUSTRALIA.

THE EASTERN EXTENSION AUSTRALASIA AND CHINA  
TELEGRAPH COMPANY (LIMITED), WINCHESTER HOUSE,  
50, OLD BROAD STREET, LONDON, 4th May, 1887.

DEAR SIR HENRY HOLLAND, — When I was at the Conference last week I gathered the impression that the various papers submitted by the Eastern Extension Company had not been quite correctly understood by some of the delegates. I have, therefore, condensed the figures into one paper, which is forwarded herewith, and at the same time amended the propositions so as to give the colonies the fullest possible advantages with the minimum of responsibility.

You will observe that I have taken the figures up to the end of 1886, and as some of the delegates during the discussion wanted to know the limit of the colonies' liability, I have, in proof of my confidence in the natural development of telegraphy, agreed to take the whole risk of any possible falling-off of the traffic below the present number of words, in addition to accepting one-fourth of the guarantee risk. Consequently the liability of the colonies under the most unfavorable circumstances would not exceed £78,750, in addition to the subsidies, viz :—

Payable by.	For Duplicate Australian Cable.	For Tasmania Cable.	For New Zealand Cable.	Total.
	£	£	£	£
Victoria.....	14,478	.....	.....	14,478
New South Wales.....	12,617	.....	2,500	15,117
South Australia.....	4,805	.....	.....	4,805
Western Australia.....	498	.....	.....	498
New Zealand.....	.....	.....	5,000	5,000
Tasmania.....	.....	4,200	.....	4,200
Total.....	32,400	4,200	7,500	44,100

If, however, the traffic increased 100 per cent., this amount would be reduced to £18,750, or, with the subsidies, to £62,850, which, spread over all the colonies in proportion to population, would be quite a nominal addition to the existing payments.

If the delegates more particularly interested in the reduction of the tariff to Australia were to give me the opportunity of discussing the question with them outside the Conference, as I suggested last week, we might fully consider the details, and submit the proposition to the Conference in such a form as would limit the discussion to the simple question whether the colonies are prepared to give a nominal guarantee in return for a reduction of tariff from 9s. 4d. to 4s. per word.

Faithfully yours,  
JOHN PENDER.

The Right Hon. Sir H. HOLLAND, Bart., G.C.M.G., M.P.,  
&c., &c., &c.

PROPOSITION of the Eastern Extension Company to the Australasian Colonies, subject to the approval of all the interested Administrations.

That they should guarantee to the companies carrying Australasian telegrams, viz. :—the Eastern, Indo-European and Eastern Extension Companies, their annual

revenue based on the average of the three years ended 1886, for 13\* years, the unexpired term of the duplicate cable subsidy, and make the through tariff 4s. per word.

Average annual traffic receipts of the three companies from Australasian telegrams, exclusive of existing subsidies, viz. :—

Eastern.....	£ 52,300
Indo-European.....	7,700
Eastern Extension.....	125,000
	£185,000

Estimated revenue at a 4s. tariff between Europe and Adelaide, based on present traffic, and assuming that South Australia accept a transit rate of 5d. per word (see table below) 80,000  
 ————— £ 105,000

The companies will take the whole risk of any falling-off of traffic receipts below £30,000, and also accept one-fourth of the guarantee risk, viz .....£ 26,250

Leaving as the *maximum liability* of the colonies if no increase of traffic takes place..... 78,750  
 ————— 105,000

If the traffic receipts increased by—

25 per cent., the colonies would have to make up.....	£ 63,750
50 do do do .....	48,750
75 do do do .....	33,750
100 do do do .....	18,750

distributed as follows :—

#### GUARANTEE.

Colony.	Population based on 1884 Statistics.	Amount to be made up, exclusive of Subsidies, if Traffic increased by—			
		25 per cent.	50 per cent.	75 per cent.	100 per cent.
		£	£	£	£
Victoria.....	961,276	18,952	14,493	10,034	5,574
New South Wales.....	921,268	18,169	13,894	9,619	5,344
South Australia.....	312,781	6,171	4,719	3,267	1,815
Western Australia.....	32,968	650	497	344	191
New Zealand.....	561,304	11,125	8,507	5,889	3,272
Queensland.....	309,913	6,114	4,675	3,237	1,798
Tasmania.....	130,541	2,569	1,965	1,360	756
Total.....	3,233,041	63,750	48,750	33,750	18,750

\* At the end of the term the question would have to be reconsidered with a view to a fresh arrangement.



If present subsidies pooled and distributed over all the colonies according to population, result would be as follows :—

## SUBSIDIES.

Colony.	Existing Contributions in respect of Duplicate Cable on 1881 Census.	Contribution in respect of New Zealand and Tasmanian Cables.	Contribution if Subsidies spread over all Colonies on basis of Population, 1884.
	£	£	£
Victoria.....	14,478	.....	13,112
New South Wales.....	12,617	2,500	12,568
South Australia.....	4,805	.....	4,268
Western Australia.....	498	.....	449
New Zealand.....	.....	5,000	7,698
Queensland.....	.....	.....	4,227
Tasmania.....	.....	4,200	1,780
Total.....	32,400	11,700	44,100

The following table shows the contribution of each colony if subsidies and guarantee combined and distributed over all colonies, according to population on basis of 1884 statistics :—

## SUBSIDIES AND GUARANTEE COMBINED.

	25 per cent.	50 per cent.	75 per cent.	100 per cent.
	£	£	£	£
Victoria.....	32,064	27,805	23,146	18,686
New South Wales.....	30,737	26,462	22,187	17,912
South Australia.....	10,437	8,985	7,533	6,081
Western Australia.....	1,099	946	793	640
New Zealand.....	18,823	16,205	13,587	10,970
Queensland.....	10,341	8,902	7,464	6,025
Tasmania.....	4,349	3,745	3,140	2,536
Total.....	107,850	92,850	77,850	62,850

## PRESENT TRAFFIC SHOWING PROPORTIONS AT 4s. TARIFF.

Class of Traffic.	Number of Words.	Companies' proportion of 4s. Tariff.	Out-payments.	Total Tariff.
		s. d.	s. d.	s. d.
Ordinary.....	459,000	2 5½	1 6½	4 0
Government.....	41,000	2 5	1 6½	3 11½
Press.....	70,000	1 11	0 9	2 8
Local (including India).....	54,000	3 0	1 0	4 0
Total.....	654,000	.....	.....	.....

The above proposition is based upon a continuous service and freedom from competition. In the event of the communication being totally interrupted, the guarantee to continue for a period of one month.

Since the Australian cables were duplicated in 1880 the service with Australia has been interrupted for only 26 days, or on an average of less than four days annually.

WINCHESTER HOUSE, 50, Old Broad street, E.C.,  
April, 1887.

#### IV.—24.

### PROPOSED CABLE FROM VANCOUVER ISLAND TO AUSTRALIA.

PACIFIC TELEGRAPH COMPANY (LIMITED),

34, CLEMENT'S LANE, LONDON, 3rd May, 1887.

SIR,—Referring to the proposal submitted by the Pacific Telegraph Company for the consideration of the Colonial Conference on the 20th April, 1887, I am now instructed by the directors of the company to submit, as an amended proposal, the following:—

1. The Pacific Telegraph Company shall lay a line of cable from Vancouver Island to Australia, touching at Hawaii, Fanning Island, Samoa, Fiji, and New Zealand.

2. The Governments of Great Britain, of Canada, and of the Australian colonies, shall guarantee to the Pacific Telegraph Company, government traffic to the amount of £75,000 per annum, in such proportions as may be mutually agreed upon by the said Governments.

3. The above guarantee shall date from the completion of telegraphic communication between Canada and Australia by the company, and shall continue in force for 25 years from that date, subject to the following conditions:—

4. In the event of telegraphic communication being interrupted, 35 days shall be allowed to the company for repairs; if at the expiration of 35 days, telegraphic communication shall continue to be interrupted, then the guarantee shall be suspended from that date until telegraphic communication be re-established.

5. The rate per word payable by the Governments shall be the current rate charged by the company to the general public, but such rate shall never exceed 4s. per word for the transmission of messages from England to Australasia.

In my statement to the Colonial Conference on the 27th April, I mentioned that the proposal of the Pacific Telegraph Company, which was then before the Conference, for an annual subsidy of £100,000 for 25 years was based upon calculations as to the approximate cost of constructing and laying a cable which were made some time ago.

I further stated that the company was at that very time actually engaged in collecting expert evidence as to the most recent improvements in the manufacture of cables, and the consequent reduction in the cost of constructing and laying them. The result of the investigation has been to convince the directors that the original estimate for the cost of the undertaking will bear some reduction.

In addition to the above, the directors have been influenced by considerations of even greater weight. Events of very recent date point to the certainty of the Pacific Ocean being shortly developed as one of the main waterways of the world's commerce. In view of the very largely increased intercolonial telegraphic traffic which must inevitably follow any such development, the directors feel justified in accepting the extra risk which the reduction of the guarantee from £100,000 to £75,000 per annum will entail.

As also stated (in clause 5), the directors of the Pacific Telegraph Company bind themselves to start by reducing the rate to 4s. per word for the transmission of

ordinary messages from England to Australasia, and further bind themselves not to exceed such rate.

The reduction to 4s. per word, however, is by no means intended to be final, for if the estimates of increased traffic are in any way realized, the company will be in a position to effect very considerable further reductions.

I have, &c.,

HAROLD FINCH HATTON.

To the Chairman of the Colonial Conference, London.

---

**CORRESPONDENCE SINCE THE DATE OF THE COLONIAL CONFERENCE, 1887.**

**V.—1.**

9 VICTORIA CHAMBERS, LONDON, S.W., 14th June, 1887.

SIR,—I have the honor to transmit to you, herewith, for the information of the Government, at the request of Mr. Sandford Fleming, a copy of a letter, with its enclosures, addressed by that gentleman to the following Australian Colonies, viz.: Victoria, New South Wales, Queensland, New Zealand and Tasmania, and also to the representative at the Colonial Conference of Western Australia, with regard to the proposed cable across the Pacific Ocean from Australasia to Canada.

I have the honor to be, Sir, your obedient servant,

CHARLES TUPPER.

The Honorable the Secretary of State, Ottawa.

---

**V.—2.**

OFFICE OF THE HIGH COMMISSIONER FOR CANADA,

9 VICTORIA CHAMBERS, S.W., 13th June, 1887.

SIR,—I am requested by Mr. Sandford Fleming to enclose to you for the information of the Government of the following correspondence on the subject of a survey in the Pacific in connection with a cable from Australasia to Canada:—

1. Letter to Sir Henry Holland, Colonial Minister, from 21 delegates to the Colonial Conference, dated 16th May, 1887.
2. Letter from Mr. Sandford Fleming to Mr. Baillie-Hamilton, Secretary, in reference to the above, dated 16th May.
3. Letter from the Colonial Office to the Admiralty, dated 23rd May.
4. Letter from the Admiralty to the Colonial Office, dated May 28th.
5. Letter from the Colonial Office to Mr. Sandford Fleming, dated 3rd June.
6. Letter from Mr. Sandford Fleming to the Colonial Office, asking for a reconsideration of letter No. 1, dated 8th June, 1887.
7. Resolution of the Colonial Conference 6th May, 1887.

I have the honor to be, Sir, your obedient servant,

J. G. C. COLMER.

The Agent General for—

New South Wales,  
Victoria,  
Queensland,  
New Zealand,  
Tasmania,  
Western Australia (Hon. John Forrest).

## V.—3.

LONDON, 16th May, 1887.

SIR,—During the discussion on the subject of the postal and telegraphic communication of the Empire before the Colonial Conference, the question was raised as to the practicability of submerging cables in the Pacific Ocean so as to connect Canada and Australasia telegraphically, and, as all doubts on the question should be removed with as little delay as possible, a thorough and exhaustive nautical examination should be at once made.

The undersigned, therefore, on behalf of the Governments they represent, respectfully request that Her Majesty's Government will cause such survey to be made.

We have the honor to be, Sir, your obedient servants,

A. CAMPBELL,  
SANDFORD FLEMING, } for Canada.  
JAMES SERVICE, for Victoria.  
P. A. JENNINGS, for New South Wales.  
S. W. GRIFFITH, for Queensland.  
JOHN FORREST, for Western Australia.  
W. FITZHERBERT, for New Zealand.  
J. S. DODDS,  
ADYE DOUGLAS, } for Tasmania.  
ROBERT WISDOM, for New South Wales.  
SEP. BURT, for Western Australia.  
SAUL SAMUEL, for New South Wales.  
A. SHEA,  
R. THORBURN, } for Newfoundland.  
JOHN ROBINSON, for Natal.  
ALFRED DEAKIN,  
JAMES LORIMER, } for Victoria.  
CHARLES MILLS, for Cape of Good Hope.  
GRAHAM BARRY, for Victoria.  
J. F. GARRICK, for Queensland.  
F. D. BELL, for New Zealand.

The Right Honorable Sir HENRY HOLLAND,  
Secretary of State for the Colonies.

## V.—4.

LONDON, 9 VICTORIA CHAMBERS, S. W., 16th May, 1887.

DEAR MR. BAILLIE-HAMILTON,—May I ask you to lay before Sir Henry Holland the enclosed communication from the members of the (late) conference generally, suggesting that, inasmuch as the connection of Canada and Australasia by a direct cable is a question of very great importance, its practicability should be established as speedily as possible by a proper survey and examination under the authority of the Imperial Government.

As I have given some attention to this question I would be glad, should Sir Henry Holland deem it advisable, to discuss with any officer of the Government the means by which the survey and the soundings may be best carried out. I may mention that I have determined to extend my stay in London until the 25th instant.

Believe me, &c.,

SANDFORD FLEMING.

## V.—5.

*The Colonial Office to the Admiralty.*

DOWNING STREET, 23rd May, 1887.

SIR,—I am directed by the Secretary of State for the Colonies, to transmit to you to be laid before the Lords Commissioners of the Admiralty, for any observations which they may have to offer, a copy of a letter from Mr. Sandford Fleming, C.M.G., one of the delegates from Canada to the late Colonial Conference, enclosing a letter signed by all the delegates to the Conference recommending that a survey should be made with a view to determining the practicability of laying a cable between Canada and Australia.

I am to suggest that Mr. Fleming should be placed in communication with the Hydrographer to the Admiralty with a view to discussing this question.

I am, &c.,  
R. H. MEADE.

The Secretary to the Admiralty.

## V.—6.

*The Admiralty to the Colonial Office.*

ADMIRALTY, 28th May, 1887.

SIR,—I have laid before my Lords Commissioners of the Admiralty your letter of the 23rd instant, enclosing a recommendation signed by the delegates to the late Colonial Conference, that a survey should be made with a view to determining the practicability of laying a cable between Canada and Australia; and further suggesting that Mr. Fleming should be placed in communication with the Hydrographer to the Admiralty with a view to discussing the question.

2. In reply, their Lordships desire me to state, for the information of Sir Henry Holland, that if Mr. Fleming has not already left London, he will find the Hydrographer at the Admiralty on any day he may like to fix.

3. My Lords, however, desire me to add that unless the Secretary of State has reason to believe that a submarine cable is likely to be laid from Vancouver to Australia very shortly, their Lordships would not propose to despatch a surveying vessel for the sole purpose of obtaining soundings over the route, but that they will endeavor to arrange that soundings shall be gradually obtained during the next few years in the ordinary course of hydrographic surveys.

I am, &c.,  
EVAN MACGREGOR.

The Under Secretary of State, Colonial Office.

## V.—7.

DOWNING STREET, 3rd June, 1887.

SIR,—With reference to your letter of the 16th ultimo, I am directed by the Secretary of State for the Colonies to transmit for your information a copy of correspondence with the Admiralty respecting the proposed nautical survey of the Pacific with a view to determining the practicability of laying a cable between Canada and Australia.

I am, Sir, your obedient servant,  
R. H. MEADE.

SANDFORD FLEMING, Esq., C.M.G.

## V.—8.

8th June, 1887.

SIR,—I have the honor to acknowledge the receipt of your letter of 3rd instant, enclosing copies of letters between the Colonial Office and the Admiralty respecting the proposed nautical survey of the Pacific in connection with the laying of a cable between Canada and Australia.

I beg leave to direct attention to the third paragraph of the letter from the Admiralty which reads as follows:

“My Lords, however, desire me to add that unless the Secretary of State has reason to believe that a submarine cable is likely to be laid from Vancouver to Australia very shortly, their Lordships would not propose to despatch a surveying vessel for the sole purpose of obtaining soundings over the route, but that they will endeavor to arrange that soundings shall be gradually obtained during the next few years in the ordinary course of hydrographic surveys.”

Since the receipt of your letter of the 3rd inst, I have, with the permission of the Lords Commissioners of the Admiralty, placed myself in communication with the hydrographer, who has explained to me what is to be understood by the last part of the above quoted paragraph. From these explanations I have learnt that it is not intended to do anything until next year; that next year it is expected that a surveying vessel will be despatched to Australian waters for other purposes, and that while there the officers will be instructed in the ordinary course of their duties, to endeavor to obtain some information which may be useful in connection with the question of laying a cable. It is intended to follow the same course year by year; but from all I can learn, no definite idea can be formed as to the time which will be expended before the work will be completed; indeed it does not appear quite certain that anything will be done even next year, it is hinted that the work may be interrupted and the surveying vessel taken away.

It is scarcely necessary for me to point out that the course proposed to be followed will not accomplish the desired end. The records of the Conference will show how much importance is attached by every delegate to the telegraphic connection of Canada and Australia. In an Imperial point of view its importance was held at the Conference to be second to no other question brought forward for discussion, and I think I may venture to say on behalf of the twenty-one delegates who attached their names to the letter of the 16th May, addressed to Sir Henry Holland, that it will be a grave disappointment to them and to the Government they represent if no other course than that proposed and explained to me by the hydrographer be followed.

Sir Henry Holland who presided over the Conference will remember how strongly individual members spoke on the subject, and he knows also the view of the Conference as a body. On the last day of the Conference a resolution on the question was unanimously adopted, to which I think it would be well to direct the special attention of the Admiralty.

I respectfully submit that the Lords Commissioners of the Admiralty appear to have misapprehended the object of the application of the 16th May.

I may therefore venture to explain that as some of the officers of the Government and other gentlemen examined before the Conference gave testimony which raised doubts as to the practicability of establishing a direct telegraph across the Pacific, a general feeling prevailed that the question was of such paramount importance as to demand immediate attention and that every doubt should be set at rest by having a thorough and exhaustive survey made under the highest nautical authority. No one who attended the meetings of the Conference, or who has seriously considered the relations of the great self-governing colonies to the mother country can for a moment doubt that an electric cable from Canada to Australasia, is imperatively demanded, and that if practicable will be established. The question of practicability however, is precedent to all others, and it is therefore of the utmost importance that

the request of the delegates to the Conference, made collectively and individually on behalf of their respective Governments, should be reconsidered.

I have the honor to be, Sir, your most obedient servant,  
SANDFORD FLEMING.

The Under Secretary of State, Colonial Office.

V.—9.

*Unanimously adopted by the Conference, 6th May, 1887.*

First. That the connection recently formed through Canada from the Atlantic to the Pacific, by railway and telegraph, opens a new alternative line of Imperial communication over the high seas and through British possessions, which promises to be of great value alike in naval, military, commercial and political aspects.

Second. That the connection of Canada with Australasia by direct submarine telegraph across the Pacific is a project of high importance to the Empire, and every doubt as to its practicability should, without delay, be set at rest by a thorough and exhaustive survey.

V.—10.

DEPARTMENT OF FINANCE, OTTAWA, CANADA, 26th July, 1887.

SIR,—I am directed by Honorable Sir Alexander Campbell, K.C.M.G., to send you herewith, for submission to His Excellency the Governor General in Council, his report with reference to the Colonial Conference held in London in April last, and which he attended as the representative with Mr. Fleming, of the Dominion Government.

I have the honor to be, Sir, your obedient servant,  
C. W. TREADWELL.

The Honorable the Secretary of State, Ottawa.

*Extracts.*

The Right Honorable The Marquis of Lansdowne, Governor General of Canada, &c.

MAY IT PLEASE YOUR EXCELLENCY:

On the 9th March last you were pleased by Order in Council to appoint me to "Represent Canada at the Conference, summoned by Her Majesty's Government in the despatch from the Right Honorable Mr. Stanhope, dated the 25th of November, 1886, to assemble in London in the early part of the present year, at which matters of common interest to all portions of the Empire might be fully considered."

\* \* \* \* \*

2. The second important object for which Her Majesty's Government had assembled the Conference was stated in Mr. Stanhope's circular despatch, above referred to, to be second only to that of defence—"the promotion of commercial and social relations by the development of our postal and telegraphic communications."

In the discussion of this question, my colleague, Mr. Fleming, after reviewing the history of the efforts that had been made by the Imperial Government towards establishing a line of communication between the Atlantic and Pacific seabords and the steps by which the Canadian Pacific Railway had been brought to a successful completion explained to the Conference the ways in which the new route to the East might be utilized for Imperial purposes.

These he said, would be in effect two.

1st. As a postal and passenger route from England to Asia and Australia; and  
2nd. As a protected telegraphic route between England and every one of the self governing colonies and also to India.

As a postal and passenger route he said that the presence in the Pacific of a number of large vessels of high speed and specially constructed with a view to the Admiralty requirements, would not fail to be in time of war of an immense advantage, whilst in times of peace the development of commercial activity and of the general interests of the Empire in the Pacific were of such importance that no time should be lost in initiating a service so pregnant with great possibilities. The principle of growth was one familiar to all colonists, one in which they had faith, but there must be a beginning; the seed must be sown. By the establishment of a weekly or even a fortnightly line of steamers there was no reason why we should not confidently anticipate a similar development to that which living men remember to have taken place on the Atlantic.

The people of Canada, Mr. Fleming said, would hail with great satisfaction the sympathetic co-operation of the Imperial Government and of the Government of the Australian Colonies in an effort to call into existence a new field for commercial enterprise, an effort well calculated to strengthen British interests and secure their predominance on the Pacific. Canada, although she had already expended an enormous sum in rendering the new Imperial postal services possible, would be prepared to render still further substantial aid.

At the sitting of the Conference next day Mr. Fleming took up the question of the utility to the Empire of a telegraphic route through Canada to the East. A direct telegraphic communication was, he said, necessary between Canada, India and Australia, unless the young mercantile marine on the Pacific was to be ruinously handicapped and the successful development of commerce rendered impossible. The heavy charges rendered necessary by the circuitous route and frequent repetitions of messages by existing telegraph line made it of little or no use to business men on opposite sides of the Pacific.

But beyond the promotion of commercial and social relations were other considerations of the highest importance. Great Britain was to-day dependent for telegraphic communication with Asia, Africa and Australia on the friendship of Turkey, a power whose position was always critical and whose Government appears continually exposed to impending disaster. Canadian patriotism and enterprise had opened up direct telegraphic communication between London and Vancouver whence cables could be laid which would put the Australian Colonies and New Zealand in direct communication with London without passing over any soil not British. From Australia the existing cables connect with India and South Africa, thus providing the home Government with the means to telegraph to every important British colony and dependency around the globe, without approaching Europe at any point.

For these reasons Mr. Fleming considered the establishment of a telegraph between Canada and Australia a question worthy of very earnest consideration and expressed the great gratification that he felt in its having been brought to the notice of the Conference by the Secretary of State for the Colonies.

Mr. Fleming then, at some length, conclusively answered the objections that had been raised by Mr. Pender of the Eastern Telegraph Company to the establishment of a direct cable between Canada and Australia.

I was so much struck by the importance of Mr. Fleming's statements that I strongly urged upon him the advisability of preserving them in order that they might be laid before Your Excellency's Government.

They were listened to with the greatest interest and led to a more complete appreciation of the advantages and possibilities of the Canadian route for postal, telegraphic and general communication with the East than had before existed among the members of Her Majesty's Government or those of the Colonial Conference. Mr. Fleming was kind enough to comply with my request, and I have the pleasure to submit his remarks in full.

\*

\*

\*

\*

\*



Mr. Fleming has not yet returned to this country and I have not the opportunity of seeking his revision of or concurrence in this report. His absence, however, affords me the great satisfaction of enabling me to acknowledge with much gratitude the assistance I derived during the whole of the continuance of the Conference from his able and zealous services.

---

V.—11.

*Sir H. Holland to the Governor General.*

DOWNING STREET, 12th July, 1887.

MY LORD,—I have the honor to transmit to your Lordship for communication to your Government a copy of a letter from the representatives to the Colonial Conference of Governments interested in the question of the proposed cable between Canada and Australia, with correspondence between this Department and the Admiralty and Mr. Sandford Fleming, C.M.G., on the subjects.

I would observe that as there is at present no sufficient prospect of the necessary funds being available for the maintenance of a telegraph cable across the Pacific, even if the ocean bed to be traversed should prove to be exceptionally favorable it would be impossible to justify a heavy special expenditure in pushing on the surveys; but if it could be established that the Colonial Governments concerned would be prepared to provide the necessary funds, I should be in a better position to urge upon the Lords Commissioners of the Admiralty the desirability of accelerating the survey.

I request that Mr. Sandford Fleming may be informed of the contents of this despatch.

I have, &c.,

H. T. HOLLAND.

Governor General

The Most Honorable the Marquis of Lansdowne, G.C.M.G., &c.

---

V.—12.

*CERTIFIED COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 19th July, 1887.*

On a memorandum dated 12th July, 1887, from the Minister of Public Works, reporting that the Pacific Cable Company (proposed) has submitted a scheme for the establishment of a submarine electric cable connection between England and the Australian Colonies, *via* Canada, and has finally petitioned the Imperial and Colonial Governments directly interested in the enterprise for an annual subsidy of £75,000 during a term of 25 years, the amounts to be apportioned as follows:

Great Britain.....	£37,500
Canada.....	7,500
Queensland.....	7,500
New South Wales.....	7,500
Victoria.....	7,500
New Zealand, Tasmania and Western Australia.....	7,500
	<hr/>
	£75,000

The Minister on the report of the Superintendent of the Government Telegraph Service, recommends that conditionally upon the Government of Great Britain and

the Governments of the Colonies (other than Canada) agreeing to their above mentioned respective proportions of the subsidy applied for, the Government of Canada agree to submit to Parliament a proposition to provide for the payment of its proportion one-tenth of the total required subsidy, as originally proposed by the representatives of the company to the High Commissioner for Canada in England.

The Committee, concurring in the foregoing recommendation of the Minister of Public Works, advise that Your Excellency be moved to forward a copy of this Minute to the Right Honorable the Secretary of State for the Colonies.

All of which is respectfully submitted for Your Excellency's approval.

JOHN J. McGEE, *Clerk Privy Council.*

—

V.—13.

*Sir Henry Holland to the Governor General.*

DOWNING STREET, 19th July, 1887.

MY LORD,—With further reference to Your Lordship's despatch No. 206 of the 23rd June, 1886, respecting the proposed establishment of telegraphic communication between Australia and this country by way of Canada, I have the honor to transmit to you for your information and for that of your Government, a copy of a letter from the India Office, containing the reply of the Government of India to the application addressed to it in connection with the question of a subsidy.

I have, &c.,

H. T. HOLLAND.

Governor General the Most Honorable the Marquis of Lansdowne, G.C.M.G.  
&c., &c., &c.

—

V.—14.

*India Office to Colonial Office.*

INDIA OFFICE, WHITEHALL, S.W., 6th July, 1887.

SIR,—With reference to previous correspondence ending with this office letter of the 21st of October, 1886, respecting a scheme for the establishment of telegraphic communication with Australia via Canada, I am directed by the Secretary of State for India to request that you will inform the Secretary of State for the Colonies that in reply to the despatch which Viscount Cross addressed to the Government of India on the subject, that Government has informed him that while they admit that from an Imperial point of view an alternative line of communication between Great Britain and the colonies may have much to recommend it, they fail to perceive what advantage India would derive from it, therefore they are not disposed to burden the finances of India with a subsidy in favor of a scheme which would in itself considerably diminish the telegraph revenue.

The Secretary of State for India in Council while fully appreciating the national value of the projected line of telegraph regrets that the present condition of the finances of India compels him to assent to the conclusions arrived at by the Government of India.

I have, &c.,

JOHN E. GORST.

The Under Secretary of State, Colonial Office.

## V.—15.

9 VICTORIA CHAMBERS, LONDON, S.W., 20th July, 1887.

SIR,—In the absence of the High Commissioner I have to transmit a copy of a letter from the Secretary of the London Chamber of Commerce containing resolutions passed by that body with reference to the proposed postal communication with India and China *via* Canada.

I am, &c.,

J. G. COLMER, *Secretary*.

The Hon. the Secretary of State, Ottawa.

## V.—16.

PROPOSED POSTAL COMMUNICATION WITH INDIA AND CHINA *VIA* CANADA.

85 KING WILLIAM ST., LONDON, E.C., 15th July, 1885.

SIR,—As the question of establishing postal communication with India and China *via* Canada is now receiving the attention of Her Majesty's Government, I am directed by my Council to forward for your information the opinions which have been expressed by the East India and China Trade Section Committee, the Postal Committee and confirmed by the Council of the London Chamber in connection with this subject.

I am, &c.,

KENRIC MURRAY.

The High Commissioner for Canada.

East India and China Trade Section meeting held on the 17th March, 1886:—

"It was resolved that the East India Committee should recommend the Council to support the scheme of the Canadian Pacific Railway Company, but that no reference should be made to the question of subsidy, which subsidy it was thought should be left to the entire discretion of Her Majesty's Government."

Monthly Council meeting held on 8th April, 1886:—

"The recommendation in favor of the proposals of the Canadian Pacific Railway for new mail route to the East (East India and China Trades Section and Executive Committee) was confirmed."

Postal Committee meeting held on 29th June, 1887:—

"That this Committee strongly urges upon Her Majesty's Government the advisability of complying with the offer made to establish a mail service to China and Australasia over the Canadian Pacific Railway at the moderate subsidy of £45,000, a portion of which should be charged to the naval and military votes."

"Carried *nemine contradicente*."

Monthly Council meeting held on the 14th July, 1887:—

"The resolution of the Postal Committee with reference to the establishment of a mail service to China and Australia over the Canadian Pacific Railway was confirmed."

## V.—17.

**CERTIFIED COPY** of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 26th August, 1887.

On a memorandum, dated 19th July, 1887, from the Minister of Public Works submitting that with reference to the scheme of the Pacific Cable Company (proposed) for the establishment of cable connection between England and the Australian

Colonies, *via* Canada, an Order in Council was passed in which it was recommended that conditionally upon the Government of Great Britain and the Governments of the Colonies, other than Canada, interested, paying certain proportions of the subsidy applied for by the Company, viz., £75,000 a year during a term of 25 years the Government of Canada agreed to recommend to Parliament to provide the proportion of one-tenth of the total required subsidy.

The Minister further submits a report from the Superintendent of the Government telegraph service, in which he states that inasmuch as it appears from certain correspondence, a copy of which is herewith submitted, that the British Government has been petitioned by the General Colonial Conference to settle a question which has been raised as to the practicability of the laying of the proposed cable across the Pacific Ocean, by immediately providing for a thorough survey of the route, and that the Imperial Government appears disinclined to make any special provision for this purpose, and has so far made no reply to the further representations made on the 8th June last, by Mr. Fleming in support of the subject of the petition referred to, he considers it would be inadvisable for the Dominion Government to take any present action in the matter.

The Minister concurring in the report of the Superintendent, recommends that nothing further be done in the matter, pending the receipt of an answer of the Colonial Office to Mr. Fleming's communication and of definite information as to what the promoters of the Pacific cable propose to do.

The Committee advise that the High Commissioner be authorized to communicate in the sense of the foregoing recommendation with the Pacific Cable Company and that a copy of the papers be sent to the office of the High Commissioner for the information of Sir Charles Tupper.

JOHN J. MCGEE, *Clerk Privy Council*

V.—18.

DEPARTMENT OF PUBLIC WORKS, CANADA, OTTAWA, 18th July, 1887.

*Re Pacific Telegraph Company, Canada-Australia.*

SIR,—Having reference to my report of the 12th inst., the recommendations of which received the approval of the Hon. the Minister of Public Works and were assented to by the Hon. the Privy Council, and to the letter of the 14th June, with enclosures from the High Commissioner at London (referred by the Privy Council to the Hon. the Minister of Public Works) concerning the Pacific Telegraph, Canada-Australia.

I beg leave to report that inasmuch as it appears from the correspondence here-in referred to that the British Government has been petitioned by the General Colonial Conference to settle a question which has been raised as to the practicability of the laying of the proposed cable across the Pacific Ocean, by immediately providing for a thorough survey of the route, and that the Imperial Government appears disinclined to make any special provision for this purpose, and has so far made no reply to the further representations made by Mr. Fleming in support of the subject of the petition referred to, I consider it would be inadvisable for the Dominion Government to take any present action in the matter.

I would therefore respectfully recommend that nothing further be done pending the receipt of definite information as to what the promoters of the Pacific cable propose to do.

I have the honor to be, Sir, your obedient servant,

F. N. GISBORNE, *Superintendent.*

A. GOBBIL, Esq., Secretary, Public Works.

## V.—19.

18th July, 1887.

*Memorandum for Minister of Public Works.**Re PROPOSED PACIFIC TELEGRAPH, CANADA-AUSTRALIA, &c.*

(1.) Report of Superintendent of Telegraph Service, dated 12th July, 1887, covers all previous correspondence and states that the company has finally petitioned the Imperial Government and colonies for an annual subsidy of £75,000 for 25 years, and recommends Dominion Government to contribute its proportion (£7,500), conditionally upon the Government of England and of the other colonies agreeing to contribute theirs (contained in full, Order in Council, July, 1887).

(2.) According to the correspondence herewith (enclosures from the High Commissioner under date 14th June, 1887), there was recently held a General Colonial Conference for the discussion of postal and telegraphic communication, during which a question was raised as to the practicability of laying a cable across the Pacific Ocean, and in order that all doubts should be removed as early as possible a memorial signed by all of the colonial delegates (Sir A. Campbell and Mr. Fleming representing Canada) was sent to the Admiralty recommending that a thorough survey of the route be made at once.

The Admiralty in reply stated it was not considered advisable to make provision for special survey, the information would be gradually acquired during the next few years in ordinary course of general survey.

Mr. Fleming wrote at length emphasising the importance of the requisition and asking re-consideration of the Admiralty's decision.

(3.) The matter rests here.

No action is required on the part of the Dominion Government unless it be to second Mr. Fleming's appeal if it be considered advisable to do so, and to advise him of the decision arrived at (if any) concerning the annual subsidy.

F. N. GISBORNE,  
*Superintendent Telegraph Service.*

## V.—20.

*Sir Henry Holland to the Marquis of Lansdowne.*

DOWNING STREET, 1st September, 1887.

MY LORD,—I have the honor to acknowledge the receipt of your despatch No. 304, of the 28th July, with a certified copy of a report of a Committee of the Privy Council respecting the proposed establishment of direct telegraphic communication between Canada and Australia.

This question as your Lordship is aware was discussed at the Colonial Conference, and in my consular (? circular) despatch of the 23rd of July forwarding to you the report of the proceedings, the position of Her Majesty's Government with regard to this question was stated in the following words: "In connection with the subject of telegraphic communication, the proposal of an alternative line to Australia was prominently brought forward. The colonial representatives were of opinion that their Governments would not, unless the Imperial Government also contributed, be willing to subsidize another company in addition to the Eastern Extension Telegraph Company and on behalf of the Imperial Post Office, it was stated that the question of such a subsidy could not be entertained by that Department. While, therefore, I expressed my willingness to bring before Her Majesty's Government the wishes of the members of the Conference, that a line might be constructed for military purposes to be exclusively controlled by the Government, I could not hold out any hope that such a scheme would be favorably received."

To that statement I have nothing to add, and if your Government think it desirable, in the present position of the question, to press for the survey of the route of the proposed cable, they will, I have no doubt, communicate with the Governments of the various Australian Colonies, and ascertain their views upon the subject. The first question for decision would appear to be whether those colonies would be prepared to unite with your Government in providing the cost of establishing and maintaining a telegraph cable with or without Imperial co-operation.

I have, &c.,

H. T. HOLLAND.

Governor General, the Most Honorable the Marquis of Lansdowne,  
 &c., &c., &c.

V.—21.

*From Mr. Sandford Fleming to the Australian Government.*

OTTAWA, CANADA, 26th September, 1887.

SIR,—I have the honor to address you on the subject of the proposed telegraph to connect the Australian Colonies with England by way of Canada.

I beg leave in the first place to refer to the following correspondence which it became my duty to transmit to you before I left London in June last, viz. :—

1. Letter 16th May, 1887, to Sir Henry Holland, Secretary of State for the Colonies, from the delegates to the Colonial Conference on behalf of the Governments they represented, requesting that Her Majesty's Government will cause an exhaustive survey to be made without delay in order to set at rest all doubts raised as to the practicability of establishing a telegraph cable across the Pacific Ocean between Canada and the Australian Colonies.

2. Letter 16th May, 1887, to Mr. Baillie-Hamilton, Secretary of the Conference, on the same subject.

3. Letter 3rd June, 1887, from the Colonial Office, covering correspondence with the Admiralty on the same subject.

4. Letter 23rd May, 1887, from the Colonial Office to the Admiralty.

5. Letter 28th May, 1887, from the Admiralty to the Colonial Office, stating that the Lords Commissioners are not prepared to make a special survey.

6. Letter 8th June, 1887, to the Colonial Office, from myself, submitting reasons why the application of the delegates should be re-considered.

These communications are subsequent to the discussions on the subject at the Colonial Conference, and the published proceedings of the Conference will show that during the discussions testimony was brought forward by officers of the Government and the Eastern Telegraph Company to raise doubts as to the practicability of establishing telegraphic connection across the Pacific.

In consequence of these doubts it was deemed expedient by the delegates that a proper survey should be made as soon as possible. With that object in view Her Majesty's Government was specially appealed to, but the reply of the Lords Commissioners of the Admiralty, by whose authority it was hoped the survey would be made, was unsatisfactory. The correspondence was transmitted to me, whereupon I ventured to submit reasons why the application of the delegates should be re-considered, but up to this date I have not learned that anything further has been decided.

I beg leave, secondly, to invite the attention of your Government to the accompanying memorandum, and I may mention that while on the one hand doubts have been raised as to the practicability of submerging an electric cable across the Pacific, on the other hand information of an important character has been obtained at and since the Conference. By the light which has been thrown on the whole subject this memorandum has been prepared.

Assuming that the survey will establish that there are no insuperable obstacles to the laying of a submarine cable this memorandum will make it obvious, that at no distant day Canada and Australasia may be connected telegraphically, on terms which would be just and fair to all concerned, and I venture to think in a manner which would be extremely advantageous to the Australian Colonies as well as to Canada and the mother country.

As the matter presents itself to my mind, the question of a nautical survey becomes of increased importance, and I have taken some trouble to ascertain how it can be accomplished in the event of the Lords Commissioners of the Admiralty remaining unable to see their way to have it carried out.

I have learned that provided the Government of the Australian Colonies and New Zealand are willing to co-operate, a proper nautical examination may be secured without difficulty or delay and at comparatively little cost to any one of the colonies.

The Government of Canada controls a suitable steamship for such service, and has also in its employment scientific men and officers of the royal navy in every respect qualified to carry out the survey. I have therefore taken upon myself to submit a proposition asking if the Canadian Government will be prepared to furnish the ship and officers provided the Australian Governments are willing to co-operate in defraying the expenses to be incurred for coaling, victualling and crew.

My object in now addressing you is to request you to submit the proposition to your Government. In doing so I have authority to state that the matter has been discussed in the Canadian Privy Council, and that a favorable view is taken of the proposition.

The naval officer consulted is of opinion that the work of soundings may be satisfactorily completed within twelve months, and he also estimates that with the ship and officers furnished by Canada, a joint contribution of £6,000 by the Australian Colonies and New Zealand would suffice.

I feel warranted in expressing my belief that if the co-operation of your Government with the Governments of the other colonies in the manner suggested be secured without loss of time, the practicability of connecting Australia and Canada telegraphically will be authoritatively set at rest before the end of next year, and with the information resulting from the survey the establishment of the cable eventually will be materially facilitated.

I have the honor to mention that I have addressed a similar communication with the accompanying memorandum to the Governments of the other colonies.

I have, &c.,

SANDFORD FLEMING.

V.—22.

OTTAWA, 26th September, 1887.

**MEMORANDUM** respecting the proposed Telegraph to connect India and Australia with England, by the Canadian Route.

At the Conference recently called by Her Majesty's Government to consider matters of common interest to all portions of the Empire, attention was directed to the question of connecting Australia and Asia with England by a postal and telegraph route through Canada.

The discussion was renewed from time to time and the more the question was considered the more deeply all present at the Conference became impressed with the vast significance of the issues which the new line of communication involve, for England as well as for the Australian Colonies, India, Canada and the whole outer Empire of Great Britain.

On the last day of the Conference the following resolutions were entered in the proceedings:—

First. "That the connection recently formed through Canada from the Atlantic to the Pacific, by railway and telegraph, opens a new alternative line of Imperial communication over the high seas and through British possessions, which promises to be of great value alike in naval, military, commercial and political aspects."

Second. "That the connection of Canada with Australia by direct submarine telegraph across the Pacific is a project of high importance to the Empire: and every doubt as to its practicability should without delay be set at rest by a thorough and exhaustive survey."

These resolutions expressed the united voice of the Conference after the strenuous efforts of gentlemen acting on behalf of the Eastern Extension Telegraph Company to impress the delegates with the idea that a direct telegraphic connection between Australia and Canada was unnecessary and impracticable.

The lines of the Eastern Extension Telegraph Company extend from India easterly to China and southerly to Australia, and they form the only existing telegraph connection between the Australian Colonies and Europe.

This company has for years enjoyed a monopoly of all telegraph business, and naturally solicitous for the future, its representatives left nothing undone to advance views adverse to the projected new line. Day by day Mr. John Pender, the chairman of the company, was in attendance. He was allowed to address the Conference and to circulate documents of various kinds among the delegates, and in every way he used his influence against the project in the private interest of the company he represents.

Notwithstanding those efforts the above resolutions were adopted, and it is not a little remarkable that they are the only resolutions which were formally submitted and unanimously assented to at the Conference.

The arguments offered on behalf of the company were combatted on public grounds by some of the delegates, and during the discussion the Postmaster General, Mr. Raikes, stated very forcibly that it would be absolutely impossible for the English people or for Her Majesty's Government to recognize the monopoly which the company seemed to claim; he, however, pointed out that while the position assumed by Mr. Pender for his company was one which could never be accepted either by the colonies or by the British Parliament it was a matter of extreme difficulty for the English Government to assist in carrying out the new scheme in such a way as to constitute itself a competitor with the existing company. While he pointed out that difficulty the Postmaster General gave expression to his warm sympathy with those who were seeking to promote what he termed "the most beneficial change of any of the changes which can come out of the Conference."

In the proceedings of the Conference of the 27th April and 6th May will be found recorded the general principles of a scheme which would completely obviate the difficulty mentioned by Mr. Raikes. The scheme has much in common with one propounded by the Postmaster General of New Zealand, Sir Julius Vogel. The proposal is to combine the several telegraph systems of the Australian Colonies under one management, to include the submergence of a cable across the Pacific from Australia to Canada and to provide for taking over at valuation, whenever the company may desire, all the cables of the Eastern Extension Company.

While that proposal assumes that a change is demanded by public expediency it also recognizes that the existing company, as the pioneer of a system of communication which has materially assisted in developing Australian trade, is entitled to just and reasonable consideration. If the new Pacific line will destroy the monopoly of the company and put an end to the profits which the shareholders hitherto enjoyed, the proposal carried into effect would return to them the full value of the property which would be rendered no longer profitable to them. Moreover, although it would scarcely be reasonable for the proprietors to expect compensation for unearned profits, they may fairly claim and be allowed all the profits obtainable until the new line be in operation.

A question will arise as to the value of the cables of the Eastern Extension Company. The testimony of Mr. Pender at the Conference shows that they were laid at



an average cost of £184 per mile. They have, however, been laid a number of years and have depreciated in value, according to the length of time submerged. Mr. Pender estimates the life of a cable at twenty years, and the published official statements of the company furnish full information as to the length and age of the cables it controls. With this data it is an easy matter for an actuary to prepare an estimate of the value, at any given year, of the whole system of cables owned by the company. Appended hereto will be found such an estimate by which it appears that all the cables of the Eastern Extension Company are valued as follows:—

In 1887	total value	£960,195
1888	do	849,475
1889	do	738,751
1890	do	629,685

If we add the cost of the new line across the Pacific, reckoning it at the same rate per mile as the cables of the company, when first laid, we shall be enabled to form a tolerably correct idea of the new capital required to carry out the general scheme. According to the scheme submitted to the General Conference new capital would not be required for the land lines handed over by the Australian Colonies. These would be worked in common with all the cables under one management, each colony retaining an interest in revenue in proportion to the value of the lines handed over.

It may be assumed that the Eastern Extension Company will not desire to hand over their property so long as it can be worked at the old scale of profits, that is until the new line be ready for business, as in all probability much time will be spent in negotiations, preliminary arrangements and surveys, the new line can scarcely be in operation before 1890. Accordingly we may take into calculation the estimated value of the company's cables for that year as under:—

#### ESTIMATE of New Capital.

1.	Valuation of the cables of the Eastern Extension Company in the year 1890.....	£630,000
2.	Cost of new cables to connect Australia with Canada 7,600 miles at £184 per mile.....	1,400,000
		<u>£2,030,000</u>

The total new capital then required to carry out this comprehensive scheme designed to bring under one harmonious management all the telegraphs within the Australian Colonies and all the cables existing or projected from Australia to India and to Canada, appears to be little over two millions sterling. The sum is very much less than that spoken of at the Conference but it is impossible to impugn the estimate without calling in question the accuracy of the data which is supplied by the Eastern Telegraph Company itself.

£2,030,000 on a joint Government guarantee (Imperial and Colonial) could be raised at a very low rate of interest. At three per cent. it would come to £60,900 per annum, a sum which is almost equalled by the subsidies now being paid or available as the following table will show:—

#### BRITISH SUBSIDIES.

1.	Paid by New South Wales.....	£12,617
2.	do Victoria .....	14,479
3.	do South Australia.....	4,805
4.	do Western Australia.....	499
5.	do Tasmania.....	4,200
		<u>£36,600</u>

## FOREIGN SUBSIDIES.

1. Paid by Malacca .....	£ 1,000
2. do Manila .....	8,000
3. do Tonquin.....	10,000
4. do Macao .....	500
5. Offered by Hawaii.....	4,000
	<u>£24,100</u>
Total subsidies.....	<u>£60,700</u>

In this list of subsidies it will be noticed that only five British Colonies contribute, while ten British Governments in all are more or less directly and specially interested in the establishment of the new line of telegraph. It would manifestly be unfair to these five colonies if they were left to bear the whole burden. It seems proper that the other five British Governments should bear an equitable share of the cost.

The available foreign subsidies amount in all to £24,100 per annum. If we deduct this annual asset from the cost per annum of the new capital (£80,900) there remains £36,800 to be met in equitable proportions by the ten British Governments concerned in the scheme. Let us assume that half this annual charge be borne by the five contributing Governments and the other half by the five Governments not now contributing the account will stand thus:—

Payable by	Amounts.
1. New South Wales.....	} £18,400
2. Victoria.....	
3. South Australia.....	
4. Western Australia.....	
5. Tasmania.....	
6. The United Kingdom.....	} 18,400
7. India.....	
8. Canada.....	
9. New Zealand.....	
10. Queensland .....	
	<u>36,800</u>

The exact proportions payable by each Government can only be determined by negotiations and mutual agreement, but the above sets forth generally the features of a scheme which seems well calculated to accomplish the desired object. Five of the Australian Colonies are bound by agreement to contribute until the end of the present century a subsidy of £36,600 per annum. According to the above division these colonies would have their liability reduced to £18,400 per annum, scarcely more than half what they now pay. Their direct gain would be £18,200 per annum while their indirect gain resulting from reduced charges and facility of intercourse would be infinitely greater.

In view of the important advantages in which all would participate, it cannot be urged that the other Governments not now contributing would be greatly burdened by the joint payment of £18,400 per annum.

It will not be overlooked that when the foreign subsidies expire a further charge of £24,100 per annum will have to be met from some source. Even if it be required to be borne by the ten Governments in equitable proportions, it could not weigh heavily on any of them, but it is anticipated that when all the subsidies run out the revenue from the telegraphs will be amply sufficient to meet interest and every other charge. The new Pacific telegraph system as a Government work will be established with capital secured at a very low interest, making it possible for a profitable business to be done at exceedingly low schedule rates. The great reduction in

rates thus rendered possible would give a wonderful impetus to telegraphy and as a consequence to business, it is believed, would so greatly increase as to admit of revenue meeting fully every proper charge against it. This will be the more apparent when it is considered that at no time would revenue be chargeable with dividends or bonuses which the shareholders of all private companies mainly look for.

After the discussion at the Conference it can no longer be held that the existence of the Eastern Extension Company must preclude the establishment of the new line of communication across the Pacific; a line demanded not simply by colonial growth and general commercial progress, but in a still greater degree by the exigencies of the Empire. That it is vitally expedient to secure the new line as a measure of defence, can be judged by the magnitude of the consequences, which at any time may result from neglect in establishing it. This has been emphatically recognized by the highest authorities in England and likewise acknowledged by members of Her Majesty's Government and by the representatives of all the colonies at the Conference.

It is claimed that the scheme set forth meets all the objections which have been raised and goes far to harmonize every interest; it would undoubtedly establish the new line of communication at the least possible cost and enable the principal self-governing colonies to co-operate with the Home Government in carrying out a project of very great Imperial importance.

SANDFORD FLEMING.

*Appendix to the above Letter.*

Estimated value of the cables of the Eastern Extension Telegraph Company calculated on the data furnished by Mr. John Pender, Chairman of the Company, viz.:—Original cost per mile £184 and life of cable 20 years. The lengths of cable laid are taken from the official documents of the company.

Miles Laid.	When Laid.	Years Submerged.	Value in 1887.
180	1869	18	£ 3,312
2,409	1870	17	66,488
2,721	1871	16	100,243
1,283	1876	11	106,332
864	1877	10	79,488
2,444	1879	8	269,818
529	1880	7	63,269
920	1883	4	163,024
502	1884	3	78,513
180	1885	2	29,808
12,035			980,195

Similarly the value of the property in the three following years has been ascertained to be as follows:—

12,035 miles of cable.	Value in 1888.....	£349,473
12,035 do	do 1889.....	738,751
11,855 do	do 1890.....	629,685

V.—23.

*Sir H. Holland to Lord Lansdowne.*

DOWNING STREET, 4th October, 1887.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's despatch, No. 347, of the 8th ultimo, enclosing a Minute of the Privy Council

embodying a memorandum of the Minister of Public Works relating to the proposed scheme for establishing cable connection between England and the Australian colonies *via* Canada.

With reference to the recommendation to which you draw my attention, viz., that nothing further be done in this matter pending a receipt of an answer from the Colonial Office to Mr. Fleming's communication of the 8th June last, I have to request that you will refer your Ministers to my despatch, No. 199, dated the 12th of the following month.

That despatch communicated to you a copy of Mr. Fleming's letter of the 8th of June, and informed you of the views of Her Majesty's Government on the matter of the survey of the proposed line which Mr. Fleming brought forward in that letter, and requested that Mr. Fleming, who had returned to Canada, might be apprized of the contents of the despatch. Your Lordship will perceive, therefore, that the despatch in question was intended as a reply to Mr. Fleming's letter, to which reference has been made.

I have already in my despatch No. 307, of the 1st of September, replied to the report of the Privy Council enclosed in your despatch No. 304, of the 28th of July, but my despatch had not reached your Lordship when yours now under acknowledgment was written.

I have, &c.,

H. T. HOLLAND

The Most Honorable the Marquis of Lansdowne, G.C.M.G.,  
Governor General.













UNIVERSITY OF MICHIGAN  
3 9015 06839 6194

